

Frontiers for Peace in the Medieval North

VISIT...

LANZAROTE
Caliente.COM

The Northern World

NORTH EUROPE AND THE BALTIC C. 400–1700 AD.
PEOPLES, ECONOMICS AND CULTURES

Editors

Jón Viðar Sigurðsson (*Oslo*)
Piotr Gorecki (*University of California at Riverside*)
Steve Murdoch (*St. Andrews*)
Cordelia Heß (*Gothenburg*)
Anne Pedersen (*National Museum of Denmark*)

VOLUME 79

The titles published in this series are listed at *brill.com/nw*

Frontiers for Peace in the Medieval North

The Norwegian-Scottish Frontier c. 1260–1470

By

Ian Peter Grohse



BRILL

LEIDEN | BOSTON

Cover illustration: Fifteenth-century seal of the Community of Orkney (*sigillum comunitatis Orcadie*), as illustrated by Anders Thiset and published in J. Storer Clouston's *A History of Orkney* (1932). Thanks go to Barbara E. Crawford, who permitted me use of her image as it appears in Barbara E. Crawford, "Two Seals from Orkney: The 15th Century Community Seal and a Seal Matrix Dating to c. AD 1300", in Irene Baug, Janicke Larsen and Sigrid Samset Mygland (eds.), *Nordic Middle Ages – Artefacts, Landscapes and Society. Essays in Honour of Ingvild Øye on her 70th Birthday*, Bergen 2015, 105–17.

Library of Congress Cataloging-in-Publication Data

Names: Grohse, Ian Peter, author.

Title: Frontiers for peace in the medieval North : the Norwegian-Scottish frontier, c. 1260-1470 / by Ian Peter Grohse.

Description: Leiden ; Boston : Brill, 2017. | Series: The Northern world : North Europe and the Baltic, c. 400-1700 AD : peoples, economics and cultures, ISSN 1569-1462 ; VOLUME 79 | Includes bibliographical references.

Identifiers: LCCN 2017006002 (print) | LCCN 2017008101 (ebook) | ISBN 9789004342538 (hardback : acid-free paper) | ISBN 9789004343658 (e-book) | ISBN 9789004343658 (E-book)

Subjects: LCSH: Orkney (Scotland)--Politics and government. | Orkney (Scotland)--Social conditions. | Orkney (Scotland)--Strategic aspects--History. | Norway--Foreign relations--Scotland. | Scotland--Foreign relations--Norway. | Borderlands--Norway--History--To 1500. | Borderlands--Scotland--History--To 1500. | Peace-building--Norway--History--To 1500. | Peace-building--Scotland--History--To 1500.

Classification: LCC DA880.O6 G76 2017 (print) | LCC DA880.O6 (ebook) | DDC 941.1/3203--dc23
LC record available at <https://lccn.loc.gov/2017006002>

Typeface for the Latin, Greek, and Cyrillic scripts: "Brill". See and download: brill.com/brill-typeface.

ISSN 1569-1462

ISBN 978-90-04-34253-8 (hardback)

ISBN 978-90-04-34365-8 (e-book)

Copyright 2017 by Koninklijke Brill nv, Leiden, The Netherlands.

Koninklijke Brill nv incorporates the imprints Brill, Brill Hes & De Graaf, Brill Nijhoff, Brill Rodopi and Hotei Publishing.

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.

Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill nv provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA. Fees are subject to change.

This book is printed on acid-free paper and produced in a sustainable manner.

Contents

Acknowledgements VII

Abbreviations VIII

Introduction 1

Breaking the Cycle. National Frontiers in Question 10

Projections of Nationhood 11

Conceptualizing the Frontier 23

Old Documents and New Readings. Sources and Approaches 37

1 Peace and Mobility 47

1.1 Insularity and Access 48

1.2 Prelude to Peace 54

1.3 Parameters for Peace and Mobility 60

1.4 Policies for Peace and Mobility 62

1.5 Preservation of Peace and Mobility 70

1.6 Conclusion 81

2 Lordship, Loyalty and the Earldom of Orkney 83

2.1 Restoration and Reform 85

2.2 Mediation 93

2.3 Personal Alliances 97

2.4 Redundancy 107

2.5 Conclusion 111

3 Loyalty, Leadership and Administration 113

3.1 Bipartite Governance 114

3.2 International Candidates 116

3.3 Kinsmen, Friends and Servants 120

3.4 Royal Baillies 127

3.5 Conclusion 131

4 Bishops and the Border 134

4.1 Integration and Mobilization 135

4.2 Estrangement 138

4.3 Rapprochement 143

4.4 Mediation 147

4.5 Conclusion 152

5 Military and Defence	154
5.1 Rules of Engagement	158
5.2 Policing the Frontier	167
5.3 Hebridean Raiding	174
5.4 Conclusion	186
6 Law and Communal Identity	189
6.1 Norwegian Law and Orcadian Custom	191
6.2 Lawmen and Royal Mediation	196
6.3 Native and Foreign Custom	202
6.4 Legal Conservation	217
6.5 Conclusion	221
7 Foreigners and Countrymen	223
7.1 Local Roots of Nativism	226
7.2 Nativism and the Realm	234
7.3 Nativism and Naturalization	239
7.4 Conclusion	246
Conclusion	248
Bibliography	261
Primary Sources	261
Secondary Works	263
Index	289

Acknowledgements

The present work is a radically revised edition of my doctoral thesis from 2014. No paragraph has gone untouched, no theory unchallenged. Yet, I am always mindful of this undertaking's roots in the Department of Historical Studies (NTNU, Trondheim) and the Research Council of Norway's "Norgesveldet" project (2010–2014). I would like to extend my gratitude to Steinar Imsen, a scholar whose interest in my work and career transcended that of a mere supervisor and forever endeared him as my academic mentor. I am further indebted for the guidance of other senior researchers at the department, including Randi B. Wærdahl, Magne Njåstad and Erik Opsahl, as well as my colleagues within the "Norgesveldet" project, including Jón Viðar Sigurðsson, Helgi Þorláksson, Eldbjørg Haug, Lena Rohrbach, Brian Smith and Lars Ivar Hansen. Special thanks is also owed to Barbara E. Crawford, an authority on seemingly all things Orcadian and a critical, yet constructive reader of my work. I would also like to thank Richard Oram and Alan Macniven for encouraging my foray into Scottish-Scandinavian history.

I am indebted to the Alexander von Humboldt Research Foundation for their generous postdoctoral grant at the Westfälische Wilhelms-Universität Münster. Their support allowed me to revise this work and use it as a springboard for further academic investigations in trans-regional mobility. I am likewise grateful to my academic hosts, Wolfram Drews and Maria Hillebrandt, who provided me with valuable practical and academic support during my tenure in Münster. Further thanks is owed for the collegiality and encouragement of my colleagues at the Department of History, University College Volda. I am also grateful to the two anonymous readers of my work, as well as Marcella Mulder and Sara Elin Roberts for their enormous help in preparing this publication.

In addition to those named, I would also like to extend my heartiest thanks to friends and loved ones who have championed my academic pursuits, including Louis Sicking, Sebastian Salvado and David Brégaint. These friends, great historians they may be, remind me time and again that even resolute scholars are nothing without a sense of humour. I am forever indebted to my family, Maria, Mom and Dad, for their patience and encouragement.

Ian Peter Grohse

Volda, 07.11.2016

Abbreviations

<i>APS</i>	<i>The Acts of the Parliaments of Scotland.</i>
<i>Bs</i>	<i>Soga om birkebeinar og baglar. Bøglunga sogur.</i>
<i>DCP</i>	<i>Diplomatarium Christierni Primi.</i>
<i>DI</i>	<i>Diplomatarium Islandicum.</i>
<i>DN</i>	<i>Diplomatarium Norvegicum</i>
<i>ER</i>	<i>Rotuli Scaccarii Regum Scotorum</i>
<i>Historiæ Orcadensis</i>	<i>Orcades seu rerum Orcadensium historiae</i>
<i>HB</i>	<i>Historiske Bescriffuelse</i>
<i>Hist</i>	<i>History of the MacDonalds</i>
<i>HN</i>	<i>Historia Norwegie</i>
<i>Hsk</i>	<i>Hirðskrá. Hirdloven til Norges konge og hans håndgangne menn</i>
<i>IA</i>	<i>Islandsk annaler indtil 1578</i>
<i>MsL</i>	<i>Magnúss saga lagabætis</i>
<i>HsH 1</i>	<i>Hákonar saga Hákonarsonar 1: Saga Hakonar Hakonarsonar til falls Skula Hertog</i>
<i>HsH 2</i>	<i>Hákonar saga Hákonarsonar 2: Nidrlag søgu Hakonar Hakonarsonar</i>
<i>Monzie Papers</i>	<i>Campbel of Monzie Papers</i>
<i>NgL 1</i>	<i>Norges gamle Love indtil 1387</i>
<i>NgL 2</i>	<i>Norges Gamle Love. Anden række 1388–1604</i>
<i>Oppressions</i>	<i>Oppressions of the Sixteenth Century</i>
<i>Os</i>	<i>Orkneyinga saga</i>
<i>REO</i>	<i>Records of the Earldom of Orkney</i>
<i>RN</i>	<i>Regesta Norvegica</i>
<i>RMS</i>	<i>Registrum Magni Sigilli Regum Scotorum</i>
<i>SD</i>	<i>Shetland Documents 1195–1579</i>
<i>SRD</i>	<i>Scriptores Rerum Danicarum Medii Aevi</i>
<i>Ss</i>	<i>Sverris saga</i>

Introduction

On 2 July, 1266, diplomatic representatives of King Magnus VI of Norway and King Alexander III of Scotland convened in Perth to sign a treaty aimed at bringing political order to the unstable Norse-Scottish frontier.¹ Three years earlier, Alexander III had sponsored an invasion of the Inner Hebrides, territories which had long been claimed by the Norwegian crown, prompting Magnus VI's predecessor, King Hákon IV, to launch a colossal fleet to fight back the Scottish invaders and reestablish Norway's preeminence over the isles around the Irish Sea. Despite its ambitious scale, the Norwegian fleet was driven back, leaving those proud possessions of the Norwegian crown in the hands of a foreign ruler.² But it was not until 1266 that the Scottish king's practical lordship over the Hebrides was formalized in a *finalis concordia*, known more commonly as the Treaty of Perth.³ In a seemingly ancillary clause, Magnus VI emphasizes his lordship over two other island provinces, Orkney and Shetland, explaining that he was to retain the lordships, homages, rents and services from them to his own 'dominion'.⁴ With this simple interpolation, the Norwegian king established a political regime that would come to shape the Norse-Scottish frontier and dictate the relations between the Norwegian and Scottish crowns for another two centuries until, in 1468/69, those isles also fell into the hands of a Scottish king, James III.⁵ During that time, Orkney and Shetland represented

- 1 *Diplomatarium Norvegicum*, 21 vols. [DN], eds. C.C.A. Lange et al., Christiania & Oslo 1849–1995, 8, no. 9.
- 2 Edward J. Cowan, "Norwegian Sunset, Scottish Dawn", in Norman H. Reid (ed.), *Scotland in the Reign of Alexander III 1249–1286*, Edinburgh 1990, 103–31. Hákon IV's biography, *Hákonar saga hákonarsonar*, and fragments of Magnus VI's biography, *Magnúss saga lagabætis*, provide the most detailed accounts of the conflict and aftermath: *Hákonar saga Hákonarsonar 2: Nidrag sögu Hakonar Hakonarsonar* [HsH 2], in *Fornmanna sögur. Eptir gömlum handritum*, vol. 10, Copenhagen 1835, Chs. 314–33; *Magnúss saga lagabætis – Sögubrot Magnúss Konungs Hákonarsonar* [MsL], in *Fornmanna sögur. Eptir gömlum handritum* 10, Copenhagen 1835, 155–63.
- 3 Richard I. Lustig, "The Treaty of Perth: A Re-examination", *Scottish Historical Review* 58, 1979, 35–57.
- 4 DN 8, no. 9: '*et exceptis jnsulis Orchadie et Hietlandie quas jdem rex Norwegie cum dominijs homagijs redditibus seruicijs et omnibus juribus et pertinencijs suis infra easdem contigujs dominio suo specialiter reseruauit*'.
- 5 *Norges gamle Love. Anden række 1388–1604*, 4 vols. [NgL 2], eds. Absalon Taraganger et al., Christiania and Oslo 1904–1995, 2, nos. 115, 116; Barbara E. Crawford, "The Earldom of Orkney and Lordship of Shetland: A Re-interpretation of their Pledging to Scotland in 1468–70", *Saga Book* 17, 1967/8, 156–76; idem, "The Pawning of Orkney and Shetland: A Reconsideration of

the last bastions of Norwegian power in the region around Northern Britain and, some historians have argued, the final frontier in Scotland's manifest destiny of political expansion.⁶

In surveying Norwegian-Scottish relations in the late Middle Ages, historians have almost invariably presented the events of 1266 and 1468/69 as moves in a diametric struggle between Norwegian and Scottish civilizations. That struggle, which ultimately favoured Scottish interests, supposedly manifested itself at the grass-roots level, particularly in the community of Orkney, where Norwegian power and Norse culture gradually gave way to Scottish immigration and the encroachment of the Scots language and Scottish social organization and legal traditions.⁷ The earldom of Orkney, the Norwegian crown's satellite government in the isles and the central agency for local political control, is said to have become the domain of Scottish aristocrats and shifted its political, social, and cultural orientation toward Scotland accordingly.⁸ Much the same has been said of the bishopric of Orkney, which, although subject to the metropolitan church in Nidaros, fell into the hands of Scottish prelates whose alliances with secular and clerical leaders in Scotland overshadowed their nominal allegiance to Norway.⁹ The populace as a whole is also believed to have vacillated between Norwegian and Scottish fronts, at times invoking and at times reneging on their allegiance to the Norwegian crown

the Events of 1460–9", *Scottish Historical Review* 48, 1969, 35–53; idem, "The Pledging of the Islands in 1469: The Historical Background", in Donald J. Witherington (ed.), *Shetland and the Outside World 1469–1969*, Oxford 1983, 32–48; Kai Hørby, "Christian I and the Pawning of Orkney: Some Reflections on Scandinavian Foreign Policy 1460–8", *Scottish Historical Review* 48, 1969, 54–63.

6 E.g. Cowan 1990.

7 Scholars of the early twentieth century presumed that there was a confluence of ethnic, cultural and political elements, whereby changes in the ethnic or social makeup of the isles was directly correlated to changes in their political affiliations. See e.g. Peter A. Munch, *Det norske Folks Historie*, Christiania 1852–1862, here 1858, 465; Anton W. Brøgger, *Ancient Emigrants. A History of the Norse Settlements of Scotland*, Oxford 1929, 166–97; Alfred W. Johnston, "Scottish Influence on Orkney", *Scottish Historical Review* 13, 1916, 210. This view is also expressed in the otherwise commendable work of Gordon Donaldson, who at one point spoke of 'the racial composition of the inhabitants' of Shetland and 'admixture of southern blood' (Gordon Donaldson, "The Scots Settlement in Shetland", in Donald J. Witherington (ed.), *Shetland and the Outside World 1469–1969*, Oxford 1983, 12, 16).

8 William P.L. Thomson, *The New History of Orkney*, Edinburgh 2008, 189.

9 Ronald G. Cant, "The Church in Orkney and Shetland and its Relations with Norway and Scotland in the Middle Ages", *Northern Scotland* 1, 1972, 1–18; Barbara E. Crawford, "The Bishopric of Orkney", in Steinar Imsen (ed.), *Ecclesia Nidrosiensis 1153–1537: Sykelys på Nidaroskirken og Nidarosprovinsens historie*, Trondheim 2003, 143–58; Thomson 2008, 153–55, 190.

in their dealings with the neighbouring Scots. Orkney historian William P.L. Thomson champions this view when, in reviewing developments preceding Orkney's pledging to Scotland in 1468, he argues that the transfer 'was not a sudden event, brought about simply by dynastic alliance. It was one step in a very lengthy process of Scottish penetration which had begun long before 1468'.¹⁰ 'Scottification' is the term used to describe the saturation of Orkney's cultural and social landscape with Scottish elements, a process that is believed to have compelled the affected inhabitants to reorient their political loyalties toward Scotland's aristocracy and crown. Nationalistic interests, motives and goals were seen as pivotal in this evolution. In the late nineteenth and early twentieth centuries, historians on both sides of the North Sea built their theses regarding Scottification on the assumption that nationalistic motifs and motives were as germane to the medieval observer as they are in the modern era. The policies of the Norwegian and Scottish crowns were said to have been aimed at advancing uncompromisingly nationalistic interests, while the reactions of local inhabitants to those policies were seen as symptoms of their national affiliation.¹¹ Despite a considerably more source-critical and thorough analysis of events, Barbara E. Crawford's most recent study of the frontier, *The Northern Earldoms. Orkney and Caithness from AD 870 to 1470*, does little to nuance the motif of national competition, suggesting throughout the work that frontier earls were continually at odds to negotiate the 'duality of loyalty to two national kingdoms and territorial overlords'.¹² The growing tide of Scottish influence in the later Middle Ages, she implies, finally washed the earls and isles to the shores of mainland Scotland, far away from their Norwegian origin, in the 1460s. It was Norway's loss and Scotland's gain.

This historiographical tradition builds upon two premises: First, that there were 'national' loyalties, and second that those loyalties were actuated through competition along the Norwegian-Scottish frontier. It is well known to students of history and political science that the term 'nation' presents challenges for

10 Ibid., 189.

11 For a discussion of nationalism's role in the scholarly production of the nineteenth and twentieth century see Randi B. Wærdahl, "The Norwegian Realm and the Norse World: A Historiographic Approach", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c.1100–c.1400*, Trondheim 2010, 35–58.

12 Barbara E. Crawford, *The Northern Earldoms. Orkney and Caithness from AD 870 to 1470*, Edinburgh 2013, 10. Cf. idem, "The Joint Earldoms of Orkney and Caithness", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c.1100–c.1400*, Trondheim 2010, 75.

the study of socio-political organization in the medieval era.¹³ Historians have, however, argued that there existed concepts that at least paralleled that of the 'nation' prior to the advent of the modern era. Susan Reynolds' thesis on the development of 'regnal communities' underscores the fact that people did not necessarily live dislocated in a political vacuum, but had solidarities that were 'much more like the different groups and networks to which modern people feel they belong than the sociological stereotypes admit'.¹⁴ The peoples – *gentes*, *populi*, *natio* – belonging to a kingdom were often regarded as comprising a distinct community, one in which a sense of cohesion was cultivated through myths of common descent and collective aspirations.¹⁵ Although not directly equatable to modern nations, kingdoms provided frameworks for communities, boundaries of inclusion and exclusion, and orientation points for political mobilization. Indeed, there is a strong basis for applying the concepts of the

-
- 13 E.g. Patrick J. Geary, *The Myth of Nations. The Medieval Origins of Europe*, Princeton 2003. As Andrea Ruddick notes, the main caveat in national discourse in medieval studies is the misplacement of modern definitions in pre-modern cases and the belief that it 'needs to be investigated on its own terms, rather than trying to shoehorn medieval concepts of nationhood into modernist definitions' (Andrea Ruddick, *English Identity and Political Culture in the Fourteenth Century*, Cambridge 2013, 10). For extensive discussion, including historiography, see the contributions of Len Scales and Oliver Zimmer (eds.), *Power and the Nation in European History*, Cambridge 2005.
- 14 Susan Reynolds, *Kingdoms and Communities in Western Europe 900–1300*, Oxford 1997, 335; idem, "The Idea of the Nation as a Political Community", in Len Scales and Oliver Zimmer (eds.), *Power and the Nation in European History*, Cambridge 2005, 54–66. Pre-modern manifestations of nationhood are the focus of Anthony D. Smith's research, which emphasizes the 'primordial' and 'ethnosymbolic' dimensions of national identity. See e.g. Anthony D. Smith, *The Ethnic Origins of Nations*, Oxford 1986; idem, *National Identity*, Harmondsworth 1991; idem, *Myths and Memories of the Nation*, Oxford 1999.
- 15 Krishan Kumar, "Nationalism and the Historian", in Gerard Delanty and Krishan Kumar (eds.), *The SAGE Handbook of Nations and Nationalism*, London 2006, 15. Acceptance of a nuanced, epochal concept of nationhood among historians has been prompted by the appropriation of Benedict Anderson's theory on 'imagined political communities', although he dismisses the ideal of medieval nationhood (Ruddick 2013, 10). Cf. Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, London 1983. From Anderson's perspective, medieval historians are not bound to legitimize the concept of the medieval nation with modern criteria (Ruddick 2013, 10; cf. R. Rees Davies, "The People of Britain and Ireland, 1100–1400. Identity", *Transactions of the Royal Historical Society* 6, 1994, 3–9). R. Rees Davies argues against the use of the 'nation-state' to describe political organizations in medieval Britain, opting instead for 'other solidarities and collectives' (ibid., 1).

regnal community and nation when speaking of the mainland kingdoms of Norway and Scotland.¹⁶

The traditional view of Norwegian-Scottish relations in the North Sea region is also buttressed by a concept of medieval frontiers as zones of continual, unappeasable competition between aspiring, yet still puerile, states. Pre-modern frontiers were more diffuse than the linear borders of modern states, and it is widely held that diffusivity impeded the identification and eventual separation of neighbouring populations.¹⁷ Scholars often work from the premise that medieval kings had an almost insatiable drive to envelop new territories, thus bringing leaders of adjacent kingdoms into conflict when they confronted

16 Questions of Norwegian nationhood and nationalism is discussed in e.g. Sverre Bagge, "Nationalism in Norway in the Middle Ages", *Scandinavian Journal of History* 20, 1995, 1–18; Kåre Lunden, "Was there a Norwegian National Identity in the Middle Ages?", *Scandinavian Journal of History* 20, 1995, 19–33; Erik Opsahl, "Norge[...]thette rige som vort federne rige og land", *Historisk tidsskrift* 81, 2002, 99–118; idem, and Sølvi Sogner, *Norsk innvandringshistorie*, vol. 1. *I kongenes tid 900–1814*, Oslo 2003, 23–233; idem, "Conflict and Alliance. The Question of a National Kingdom – Political Attitudes of Norwegian Gentry and Farmers in the Late Middle Ages", *Scandinavian Journal of History* 33, 2008, 161–82; idem, "I hvilken grad oppstod norsk nasjonalfølelse og identitet i middelalderen?", in Samuel Edquest, Lars Hermanson and Stefan Johansson (eds.), *Tankar om ursprung. Forntiden och medeltiden i nordisk historieforskning*, Stockholm 2009, 35–52; idem, "Fantes det et norsk fellesskap på 1400-tallet?", *Arr. Idéhistorisk tidsskrift* 1, 2014, 15–25; Steinar Imsen, *Land og folk i den norrøne verda ca. 900 til 1450*, Oslo 2015. Scottish nationhood in the Middle Ages is a favourite bone of contention in Scottish historiography. See e.g. Alexander Grant, "Aspects of Scottish National Consciousness in the Later Middle Ages", in Claus Bjørn, Alexander Grant and Keith J. Stringer (eds.), *Nations, Nationalism and Patriotism in the European Past*, Copenhagen 1994, 68–95; William Ferguson, *The Identity of the Scottish Nation. An Historic Quest*, Edinburgh 1998, 98–105; Neil Davidson, *The Origins of Scottish Nationhood*, London 2000; Edward J. Cowan, *'For Freedom Alone': The Declaration of Arbroath, 1320*, East Linton 1988, 112; William Ferguson, "The Origins of Scottish Nationhood (Review)", *Scottish Historical Review* 80, 2001, 298–300.

17 'Ambiguity' is a central concept in frontier studies: ambiguous identities, ambiguous jurisdictions, and ambiguous political loyalties. See e.g. David Abulafia, "Introduction: Seven Types of Ambiguity, c. 1100–c. 1500", in idem and Nora Berend (eds.), *Medieval Frontiers. Concepts and Practices*, Aldershot 2002, 1–31. Ambiguity is understood to have frequently bred animosity. According to Emilia Jamrozak, the same frontiers that offered 'possibilities for expansion' in, for example, Scotland and Pomerania, 'were also subject to violence and instability' (Emilia Jamrozak, "Border Communities Between Violence and Opportunities: Scotland and Pomerania Compared", in Richard Unger and Jakub Basista (eds.), *Britain and Poland-Lithuania. Contact and Comparison from the Middle Ages to 1795*, Leiden 2008, 124).

one another over territories along their common frontiers.¹⁸ The ebb and flow of rulers' territorial aspirations gave lordship an unpredictable plasticity. At the same time, the diffusivity of frontiers might also reflect the primitivism of political organization, whereby rulers aspired to oust competitors and assert their dominion over intermediary territories and populations, yet still lacked the practical means of curtailing overlapping loyalties and jurisdictions. According to John France, 'ties of loyalty in medieval society were often uncertain and ambiguous', while the political 'marches' between political cores were not merely intermediate, but rather 'interpenetrating zones of influence with their interlocking and overlapping *mouvances*'.¹⁹ Without the assurance of fealty from frontier communities, rulers looked upon them as planes of competition, where loyalties could be episodically strengthened, won, weakened and lost. In the case of Orkney, the struggle for Norwegian or Scottish dominance is believed to have dragged on for centuries, and inculcated the inhabitants of the frontier with deep-seated animosities and antagonisms, even in periods of relative peace. Thus, the diffusivity of the Norwegian-Scottish frontier, like other medieval frontiers, is understood as a *failure* of Norwegian and Scottish rulers to identify, segregate and dominate their respective territories and populations.

Two things can be suggested as evidence against this view. First, while the mainland kingdoms of Norway and Scotland were developing as staging platforms for statehood and nationhood through the construction of regnal communities in their respective heartlands, the intermediate community of Orkney appears to have developed as an extra-national entity, peripheral to the central kingdom of Norway and even further detached and with far less constitutional affiliation to the kingdom of Scotland.²⁰ One of several 'tributary countries'

18 The question of territorial expansion is discussed recently in detail by contributions to the series "The Expansion of Latin Europe, 1000–1500", including, among others, Nora Berend (ed.), *The Expansion of Central Europe in the Middle Ages*, Farnham 2013; Alan V. Murray (ed.), *The North-Eastern Frontiers of Medieval Europe*, Farnham 2014; José-Juan López-Portillo (ed.), *Spain, Portugal and the Atlantic Frontier of Medieval Europe*, Farnham 2013. The territorial expansion of Northern European kingdoms occurred, for instance, in Southern Baltic conquests of Danish kings, the Swedish kings' expansions into present-day Finland, and the forays of, among others, King Harald I and King Magnus III, across the North Sea and into the Irish Sea in the ninth and eleventh centuries.

19 John France, "Siege Conventions in Western Europe and Latin East", in Philip de Souza and John France (eds.), *War and Peace in Ancient and Medieval History*, Cambridge 2008, 161.

20 The question of state-making in medieval Norway has received considerable attention in Norwegian historiography, e.g. Andreas Holmsen, *Norges historie. Fra de eldste tider til 1660*, Oslo 1977; Knut Helle, *Norge blir en stat 130–1319*, Oslo 1964; idem, "Towards

(*skattlondum; de tributariis insulis*) under the hand of Norway's king, Orkney, like other island communities in the North Sea and North Atlantic, was part of the so-called 'realm of Norway' (*Noregs uelldii*), a conglomerate polity anchored theoretically on the Norwegian mainland.²¹ Despite their integration in the Norwegian-centric monarchical state, recent studies have emphasized that the king's tributary countries remained distinct from the mainland kingdom and peripheral to medieval concepts of Norwegian nationhood.²² This is manifest not only in treaties and laws, but also in the court registers, letters and genealogies of the island's inhabitants, which are largely devoid of categorically national motifs and tend to promote the welfare of the local population without concern for that of their Norwegian counterparts or Scottish neighbours.²³

Nationally Organised Systems of Government. (a) Introductory Survey". in Knut Helle (ed.), *The Cambridge History of Scandinavia*, Cambridge 2003, 346–47; Sverre Bagge, *Fra knyttneve til scepter. Makt i middelalderens Norge*, Bergen 2003; idem, "Borgerkrig og statsutvikling i Norge i middelalderen", *Historisk Tidsskrift* 65, 1986, 145–97; idem, *From Viking Stronghold to Christian Kingdom. State-Formation in Norway, c. 900–1350*, Copenhagen 2010; idem, "Skandinavisk Statsdannelse", in Sverre Bagge et al. (ed.) *Statsutvikling i Skandinavia i middelalderen*, Oslo 2012, 9–38; Hans J. Orning, "Borgerkrig og statsutvikling i Norge i middelalderen – en revurdering", *Historisk tidsskrift* 93, 2014, 193–216. On nationhood see Bagge 1995; Lunden 1995; Opsahl 2002; idem and Sølvi Sogner 2003; idem 2008; idem 2009; idem 2014; Imsen 2015; Grant 1994; Ferguson 1998; Davidson 2000; Cowan 1988; Ferguson 2001.

- 21 For the term 'tributary country' (*skattland*) see e.g. Johan Fritzer, "Skattland" in *Ordbog over Det gamle norske Sprog*, vol. 3, Christiania 1867, 294; Grethe A. Blom, "Skattland", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid fra vikingetid til reformasjon*, vol. 15, 1970, cols. 446–50.
- 22 On the integration of the tributary countries see esp. Randi B. Wærdahl, *The Incorporation and Integration of the King's Tributary Lands into the Norwegian Realm, c. 1195–1397*, Leiden 2011, esp. 69–71; Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c.1100–c.1400*, Trondheim 2010; idem (ed.), *Rex Insularum. The King of Norway and His 'Skattlands' as a Political System c.1260–c.1450*, Bergen 2014. The distinction between the island and mainland parts of the king's realm is emphasized in King Magnus VI's National Law of 1274, where it states: 'In the name of the Father, the Son, and the Holy Ghost, one God in Holy Trinity, shall one of his servants be king over the entire realm of Norway, the mainland as well as the tributary countries' (*I nafne faður oc sonar oc heilags anda eins guðs I heilagre þrinningu skal einn hans þion konungr vera ifir allu Norges ueelldi beeðe innan landz oc sua skattlondum*) (*NgL* 1.2, 25). Cf. e.g. Jón Viðar Sigurðsson, "The Norse Community", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c.1100–c.1400*, Trondheim 2010, 62. On the ethnic and national distinctions, nuances and ambiguities in the Norse world see Imsen 2015.
- 23 Idem, "The Country of Orkney and the Complaints against David Menzies", *New Orkney Antiquarian Journal* 6, 2012, 20, 28.

Recognizing this should change the way we perceive the islanders' intersecting associations with those two mainland kingdoms, and the degree to which 'national' affiliation played a role in their development. Certainly, the cultural and social character of Orkney changed between the mid-thirteenth century, when it was anchored in Norwegian jurisdiction as a dominion of the Norwegian king, and the late fifteenth century, when it was brought into the ambit of the Scottish crown. It was a transitional phase in which the isles became more closely associated to Scottish society, eventually taking on the Scots tongue as the language for public discourse and cinching ties to familial networks in Scotland.²⁴ Yet this gradual shift did not compel Orcadians to portray themselves and their community as an extension or microcosm of the Scottish nation, nor to renounce their ties to Norway and the Norse world. In contrast to, for instance, the mainland kingdom of Norway, where cultural and social elements appear to have instilled inhabitants with a sense of national solidarity, there is no apparent correlation between cultural, social and political identities in the Northern Isles.²⁵ Recognizing this, we must move away from national paradigms when trying to understand the development of Orcadian society and appreciate that it could exist and change without a consciousness of national affiliation.

Second, evidence from the late thirteenth century onward does not conclusively support the notion that political diffusivity along the Norwegian-Scottish frontier bred animosity or competition. Breaking away from the theory of national rivalry, a critical survey of the sources suggests that affairs along the frontier were far more peaceful than once assumed. While the signing of the Treaty of Perth in 1266 and the pledging of the isles in 1468/69 were preceded by brief episodes of animosity between Norwegian and Scottish kings, as well as between subjects of the two crowns, the middle period was marked by a high degree of peaceful discourse and cooperation. Privileges which encouraged trade across Norwegian and Scottish jurisdictions, as well as cooperative

24 The penetration of Scots English in Orkney is often cited as an obvious manifestation of the local populations' changing 'ethnic' composition and, perhaps, socio-political orientations. For the language see e.g. Hugh Marwick, *The Orkney Norn*, Oxford 1929; Berit Sandnes, "Fra norn til skotsk: Det norrøne språkets skjebne på Vesterhavssøyene ca. 1300–1750", in Steinar Imsen (ed.), *Grenser og grannelag i Nordens historie*, Oslo 2005, 163–74; Ragnhild Ljosland, "The Establishment of the Scots Language in Orkney", *New Orkney Antiquarian Journal* 6, 2012, 66–68.

25 Confluences of ethnic, social and political identities in medieval Norway's national development is discussed in the work of Erik Opsahl. See e.g. Opsahl 2002; idem 2003; idem 2008; idem 2009, 35–52; idem 2014, 15–25. See also Bagge 1995; Lunden 1995; Steinar Imsen, *Noregs nedgang*, Oslo 2002, 45–57.

efforts to intervene in and resolve isolated conflicts between Norwegian and Scottish subjects suggests that kings on both sides were intent on maintaining their alliance with one another. These efforts were not designed to segregate their subjects, but rather to develop a medium for peaceful interaction.²⁶ Peace was intended to facilitate the Norwegian crown's administration of the isles and provide a more stable environment for the cultivation of its economic interests. Given the frequent expressions of amiability between Norwegian and Scottish kings, it is inappropriate to view the cultural, social and political development of the frontier communities as an outgrowth of inter-state rivalry.

Political cooperation also demonstrates the awareness and aptitude of Norway's and Scotland's kings. David Brégaint has recently emphasized that although Norway's high-medieval rulers lacked the resources, military prowess and organizational wherewithal to enforce physically their authority in all corners of the kingdom, they could activate alternative, diplomatic channels through which to compel cooperation from their subjects. As he notes, 'cultivating the state required the enduring support and acquiescence of society that could only be achieved through more pacific, albeit no less relentless means'.²⁷ This theory, which builds primarily upon the examination of domestic politics, may also find resonance at the outer margins of the realm. The notion that the success of Norway's medieval kings in maintaining political order was measured not by military domination, but rather by diplomatic tact, is equally germane in the ambit of foreign relations.

26 Ian P. Grohse, "From Asset in War to Asset in Diplomacy. Orkney in the Medieval Realm of Norway", *Island Studies Journal* 8, 2013, 255–68; idem, "Medieval Maritime Diplomacy. The Case of Norwegian–Scottish Relations, ca. 1266–1468/69", *International Journal of Maritime History* 26, 2014[b], 512–28.

27 David Brégaint, *Vox Regis. Royal Communication in High Medieval Norway*, Leiden 2015, 2. Much of Brégaint's work deals with the peaceful means of political expansion and control in high-medieval Norway. An example of this is King Hákon IV's 'conquest' of the Icelanders' hearts and minds through political propaganda, thus facilitating the Icelandic general assembly's relinquishing of its free-state status and acceptance of Norwegian royal authority in 1262/64 (idem, "Conquering the Minds: *Konungs skuggsiá* and the Annexation of Iceland in the Thirteenth Century", *Scandinavian Studies* 84, 2012, 439–66). Hans Jacob Orning, in contrast, argues that the strength of royal authority in high-medieval Norway hinged upon the king's presence, threats of violence and unpredictability (Hans Jacob Orning, *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages*, Leiden 2008). It should be noted that King Hákon IV, who died in Orkney in 1263, was the last Norwegian monarch to visit the Northern Isles. If the threat of royal violence had kept the islanders in check in earlier centuries, it was a marginal concern in the late Middle Ages.

How, then, might we understand Orkney's transition from Norway and formal transfer to Scotland in the late fifteenth century, if not through national competition? The present work advances the argument that medieval rulers of Norway and Scotland accepted and even endorsed cultural, social and political synergy across jurisdictional borders. The resulting cultural, social and, to some extent, political diffusivity did not reflect the Norwegian crown's inability to enforce its domination and segregate its subjects from their neighbours in Scotland, but rather was a deliberate strategy for promoting inter-state cooperation. This served not only the crown, which could rely on the frontier communities as a media for diplomatic exchange with Scotland, but also facilitated the crown's desire for peace along the frontiers, staging their subjects as associates, rather than as rivals of the neighbouring Scots. This theory, in turn, offers an alternative to the notion of linear state development and the rudimentary nature of medieval political aspirations. Medieval rulers did not necessarily seek and fail to segregate neighbouring populations or impart ideas of nationhood to all those within their borders. Rather, they could develop entirely different strategies, ones which promoted diffusion between frontier communities as a means of encouraging interaction with foreign populations and facilitating political discourse with foreign rulers. While this strategy provided avenues for Scottish influence in Orkney, it also created, both at the grassroots level and between royal courts, an environment of peace that precluded unwanted military confrontations during that process.

Breaking the Cycle. National Frontiers in Question

Although the 'Norwegian-Scottish frontier' has only recently come into the academic vocabulary, appreciation for the Norse legacy along Scotland's northern and western seaboard has been the premise for intensive study since at least the mid-nineteenth century.²⁸ Much of that work addresses the early history of

28 Crawford made the term relevant in Barbara E. Crawford, "The Making of a Frontier: The Firthlands from the 9th–12th Centuries", in John R. Baldwin (ed.), *The Firthland of Ross and Sutherland*, Edinburgh 1986, 33–46. In keeping with the general impression of frontiers as zones of violence and competition, Crawford posits that 'the clash between Norse and Scots (or Picts) was a perennial feature of the northern and western parts of this country for most of the Middle Ages' (ibid., 33). More recently, she explained that 'in this frontier zone between Scottish and Norse societies tensions were endemic and could produce flash points', adding that episodes of violence there in the early thirteenth century were 'features of frontier areas' (Crawford 2013, 274). Cf. Brendan Smith, "The Frontiers of Church Reform in the British Isles, 1170–1230", in David Abulafia and Nora Berend (eds.),

Norse-Scottish relations, prior to the establishment of peace in 1266. This was a time in which Norway and Scotland, suffering the growing pains of fledgling statehood and nationhood, tested their limits against one another, asserting competing claims of lordship over the isles and island populations flanking mainland Britain. Scholars and readers alike were, and still are, captivated by the open antagonism that characterized the frontier in its formative years.²⁹ That is not to say that the late medieval period has been entirely neglected. Works by J. Storer Clouston, William P.L. Thomson, Brian Smith, Steinar Imsen, Barbara E. Crawford and others, have gone a long way toward shedding light on the dynamics of this otherwise marginalized corner of Northern European history. Despite the heavier emphasis on non-belligerent, diplomatic aspects of frontier development in the late Middle Ages, scholarship for the later period largely works from the premise that it was, like other pre-modern frontiers, a medium for national competition. Although veiled by a diplomatic rhetoric of peace, late medieval rulers and their subjects are assumed to have continued the struggles of their more openly belligerent forebears, ceasing only with the victory of the Scots over the increasingly marginalized Norwegians. Before attempting to supplant this traditional concept of the frontier, we must first take a closer look at its two main historiographical prepositions: the role of nationalism, and the nature of medieval frontiers.

Projections of Nationhood

Randi B. Wærdahl and Bjørn Bandlien have recently discussed the ups and downs of Norway's national historical tradition and the role it has played in research on Norway's tributary countries in the west.³⁰ As Wærdahl explains,

Medieval Frontiers. Concepts and Practices, Aldershot 2002, 244. Considering the frontiers of 'race, language and custom', Crawford speaks of a 'toxicity' of inter-cultural conflict that 'helps explain the violence of events as recorded in the sagas and other chronicles which give us such vivid accounts of the tragic outcomes of these situations' (Crawford 2013, 274). Steinar Imsen views the Northern Isles as a frontier in Steinar Imsen, "Grenseland i vest, mellom Skottland og Norge", and idem (ed.), *Grenser og grannelag i Nordens historie*, Oslo 2005, 142–62. The term frontier has also been applied to the Western Isles and Irish Sea region in Richard Oram and Paul Adderley, "Innse Gall: Culture and Environment on a Norse Frontier in the Scottish Western Isles", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World, c.1100–c.1400*, Trondheim 2010, 125–48.

29 E.g. Crawford 1986; cf. idem 2013, 274.

30 Wærdahl 2010, 35–58; Bjørn Bandlien, "Showing the Dragon's Tongue: P.A. Munch's journey to Scotland, Orkney and London in 1849–1950", *Northern Studies* 44, 2013, 98–122.

Norwegian historiography has habitually accentuated themes that reinforce modern national aspirations, and has overlooked those that might discredit or compromise those aims. In the nineteenth century, those aspirations were fuelled by Norway's push for sovereignty, which was ostensibly well served by a national historical tradition that stressed the vast territorial scope of Norwegian domination.³¹ Inquiries into the medieval roots of Norwegian sovereignty were not limited to the modern boundaries of Norway, but also projected overseas, to what were then viewed as Norway's lost colonies in the west (e.g. Iceland, Greenland, the Faeroes, Man, the Hebrides, Orkney and Shetland). This is evident in the work of Peter Andreas Munch, the veritable godfather of modern Norwegian historiography. For Munch, Norway's overseas expansion and the political dominance of the isles in the North Sea and the North Atlantic, particularly in and around Scotland, were hallmarks of national greatness. His work is imbued with that vision, and he paid particular attention to the Northern Isles and other tributary countries of the Norwegian crown in his multi-volume national history of Norway, *Det norske Folks Historie*.³²

Although fond of the Scots and sympathetic to the Scottish national cause (he regarded their struggle against English domination as akin to Norway's struggle against Danish and Swedish control), Munch was certainly not averse to drawing distinctions between Norwegians and Scots, nor to pinpointing their medieval legacy of antagonism. For him, the Norwegian-Scottish frontier was the proving ground for two fledgling nations. Speaking of the Treaty of Perth from 1266, Munch noted that, of all the possessions along Scotland's coasts, the crown of Norway retained the most valuable ones, Orkney and

31 Bandlien explains that unlike some of his contemporaries, who championed a pan-Scandinavian outlook, Munch was intent on stopping the alienation of Norway's history to Swedish and Danish writers, as this stifled Norway's voice in arguments for historical legitimacy (Bandlien 2013, 99–100).

32 Munch 1852–63. Munch's captivation with the areas of Norse settlement in Britain led him on a research journey to Britain (financed by the Norwegian government) in 1849–50, where he visited, among other places, Scotland and Orkney. He viewed Orkney as being 'as Norwegian as Norway itself' (Bandlien 2013, 106–09). Munch did, however, appreciate that the isles could also be an avenue for European culture, claiming that 'in times of old, Orkney and Shetland made up Norway's leading dependences, and thanks to their proximity to the British Isles, represented one of the main avenues for the spread of European culture in our fatherland' ('Uagtet Orknøerne og Hetland i ældre Tider udgjorde Norges fornemste Biland, og ved deres Beliggenhed i Nærheden af de britiske Øer dannede en af hovedveiene for Udbredelsen af europæisk Cultur i vort Fædreland') (Peter A. Munch, "Geographiske og historiske Notitser om Orknøerne og Hetland", in *Samlinger til det norske folks sprog og historie*, vol. 6, Christiania 1838, 79).

Shetland. He attributes Norway's success here in part to the Norse character of the isles, saying that:

The population was thoroughly Norwegian, just as the language was Norwegian; the fact that the line of earls was itself Scottish, as well as the fact that many Scots gradually established themselves there, was of little matter under these circumstances, for the dominant nationality was still Norwegian, and it took a considerably long time to denationalize from the top down.³³

His ethno-national bias is pervasive. It is difficult to overlook his partiality for the mid-thirteenth century 'golden age' of Norwegian expansion under King Hákon IV, a time when the Norse character of the isles was uncontested. Although he does discuss some later developments in the fourteenth century, that analysis is notably stunted in comparison to his treatment of the earlier period. *Det norske Folks Historie* was incomplete at the time of his death in 1863, and we cannot know whether he intended to devote as much energy to the fifteenth century as he had to the earlier centuries. Nevertheless, the rhetoric sprinkled throughout his works strongly suggest that he considered the mid-thirteenth century, prior to Scottish infiltration, as a high point in Norway's national history.

Munch remains an authority on a great many themes, and it may be his elevated position that dissuaded later historians from openly challenging his view.³⁴ Another likely factor that has inhibited scholarship in this area is later scholars' scepticism that the isles had any relevance for the Norwegian nation after the thirteenth century. Twentieth-century surveys refer frequently to the Northern Isles in the period prior to 1266, but only briefly mention the events leading up to their impignations in 1468 and 1469. Norway's late medieval

33 Munch 1858, 465: 'Befolkningen var heel igjennem norsk og Sproget norsk; at Jarle-Ætten selv var skotsk saavel som at flere Skotlændere efterhaanden havde nedsat sig der, kunde under disse Omstændigheder ikke gjøre saa meget til Sagen, thi den herskende Nationalitet var dog fremdeles den norske, og der udkrævedes i alle Fald meget lang Tid til at denationalisere den ovenfra'.

34 Brian Smith is a notable exception. In his discussion of fourteenth-century affairs in the isles, Smith describes Munch's conclusions as 'outrageous' and highlights the methodological shortcomings and ideological jaundice of his study of social developments (Brian Smith, "The Nidaros Church and 'Norgesveldet': Shetland to 1470", in Steinar Imsen (ed.), *'Ecclesia Nidrosiensis' and 'Noregs veldi'. The Role of the Church in the Making of Norwegian Domination in the Norse World*, Trondheim 2012, 162–76).

past has been, generally speaking, an unpopular and lamentable theme, and certainly not one which historians believed they could enhance by using the Northern Isles as illustrations. Andreas Holmsen, for example, only mentions the pledges of Orkney and Shetland in 1468/69 in a few brief lines, in which he explains the loss as a consequence of the 'denationalization' of the realm, both in Norway by Danish and German aristocrats, and in Orkney by the Scots.³⁵ Historians, it seems, saw little to celebrate in the late medieval history of the isles, and consequently devoted little attention to it.

A notable exception to this is Anton W. Brøgger's *Ancient Emigrants: A History of the Norse Settlements of Scotland* from 1929, in which he devotes much of its closing chapter to developments in the Northern Isles from the late thirteenth century until the time of the impignurations.³⁶ No historian before or after has promoted the 'Scottification' theory in such unequivocal terms. He depicts it as a systematic advance of 'the Scotch element' on Orkney's earldom, church and aristocracy. Like his colleagues, Brøgger is complimentary of the Norse legacy in the isles, presenting the emigration of Scots to Orkney as a negative development and the forfeiture of the isles as a blow to Norway's national integrity. For him, the loss was a foregone conclusion, capping off 'the decline of one nation and the rise of another'.³⁷ Like Munch and so many others at the time, Brøgger adhered to the teaching that nations developed along clearly defined and immutable ethnic lines and maintained that one could legitimately couch individual islanders within distinct ethno-national categories. In lamenting the advance of

35 He argued that by the fifteenth century, 'the earls and bishops of Orkney had already been Scots for nearly a hundred years, the aristocracy had been gradually denationalized through Scottish influence, and the language of law had become English shortly before [King] Christian's time' (*hadde allerede jarlene og bispene på Orknøylene i bortimot hundre år vært skotter; aristokratiet var blitt gradvis avnasjonalisert ved skotsk innflytting, og rettspråket var kort før Christians tid blitt engelsk*) (Holmsen 1977, 368). The Northern Isles are still regarded as marginal in the late medieval history of Norway. This is evident in, for instance, *Norsk historie 1*, one of the most widely-referenced surveys of Norwegian medieval history (Ole G. Moseng et al., *Norsk historie 1. 750–1537*, Oslo 1999). Here the authors devote three pages to providing a solid overview of the Northern and Western Isles' relevance for Norway's foreign expansions and relations in the west (*ibid.*, 138–40), yet mention the impignurations in just a few lines, with little explanation of preceding developments (*ibid.*, 353).

36 Brøgger 1929, 166–97. Brøgger, like many of his colleagues, tended to devote greater attention to the heyday of Norse settlement in and around Britain in the early Middle Ages. See e.g. Anton W. Brøgger, *Den norske bosetningen på Shetland-Orknøylene: Studier og resultater*, Oslo 1930.

37 Brøgger 1929, 166.

Scottish 'blood', culture, and, eventually, political power over the isles, Brøgger's approach was symptomatic of nineteenth- and twentieth-century research on the Northern Isles, which tended to view individuals as falling into one of two distinct and opposing constituencies: Scots or Norsemen. Recognizing this, it is perhaps surprising that Brøgger presented his findings in Edinburgh under the auspices of the Society of Antiquaries of Scotland.³⁸ As Munch before him had demonstrated, scholarly cooperation at that time had very different aims to the transnationalism of modern scholarship, which examines historical themes independent of national ideals. Instead of working together to remove national agendas, the Norwegian and Scottish historical schools of the nineteenth and twentieth centuries worked in parallel to promote them.

National bias is certainly not exclusively Norwegian. Despite a significant antiquarian interest in the Norse history of the British Isles in the nineteenth century, there was little love lost for Norway as a political force.³⁹ The prevailing view among Scottish national historians was that the two kingdoms were dyed-in-the-wool adversaries whose geopolitical rivalry, although intermittently in hibernation, lived on as a national struggle throughout the Middle Ages. Although the preeminent Scottish novelist and historian Sir Walter Scott demonstrated appreciation for Scotland's legendary Viking heritage in his fictional work *The Pirate*, he minced no words and confused no national leanings when, in his non-fictional survey *The History of Scotland*, he claimed that Orkney and Shetland had been 'seized' by the Norwegian people in the ninth-century, yet were 'the natural dependencies of Scotland'.⁴⁰ In *A History of the Scottish People from the Earliest Times*, Rev. Thomas Thomson argues that the isles were in a 'neutral condition' throughout the later Middle Ages. 'Geographically', he claims, 'they formed part of the Kingdom of Scotland, and according to tradition they had existed as a recognized portion of it until they were seized by the Norse invaders'.⁴¹ Their 'recovery', he argues, was a matter of national pride and security: 'but besides the national honour which was involved in their recovery, it was necessary for the welfare of Scotland that they should be restored to the national rule, so that they might no longer be the haunts

38 Ibid., preface. Cf. Bandlien 2013 for Munch's cooperation with Scottish scholars.

39 For a survey of the Norse romanticism in British scholarship see e.g. Andrew Wawn, *The Vikings and the Victorians: Inventing the Old North in Nineteenth-Century Britain*, Cambridge 2000.

40 Walter Scott, *The History of Scotland*, vol. 1, London 1830, 312, 316.

41 Thomas Thomson, *A History of the Scottish People from the Earliest Times*, London 1895, 439. Thomson's title is strikingly similar to Munch's *Det norske Folks Historie*, although the former had less of an impact on his country's historiographical tradition than did the latter.

of pirates and shelters of conspirators and malcontents'.⁴² Despite the tenseness with which Scottish historians typically addressed Norwegian-Scottish relations, they clearly viewed the two kingdoms as being almost continually at odds over control of the isles. When discussing the transfer of the isles to Scotland, sixteenth-century historian John Leslie claimed that 'thair had bene gryit trubles betwixt the realmes of Scotland and Denmark of befoir', although he did not specify what those troubles entailed.⁴³ Generally speaking, the supposed 'troubles' leading up to the impignorations receive little attention in these older works, which tend to ignore Norwegian-Scottish relations in the period between the Treaty of Perth in 1266 and the negotiations of 1468/69. When figures from the isles do appear in older surveys of Scotland's late medieval history, it is typically not respective to their station in Orkney or Shetland, or with relation to the Norwegian crown, but rather in their capacity as aristocrats and holders of noble lands or titles in the kingdom of Scotland. Being no longer part of the Scottish kingdom, the isles were generally left to languish outside the scope of Scottish historiography.⁴⁴

The pro-Scots sentiment did not reach Scotland's northern skerries, however. In the shadow of national historians, antiquarians and scholars from the Northern Isles endorsed a decidedly Norse-centric view of social and political developments in Northern Scotland. Although not as intent on substantiating modern political agendas, early local historical works were not without their biases and tended to concentrate on the features that best demonstrated their Norse cultural past in opposition to Scots.⁴⁵ Leading Orkney historian J. Storer Clouston was at pains to find residues of a Norse legacy in the isles that lasted well into modernity. Like Munch and his British colleagues before him,

42 Ibid.

43 John Leslie, *The History of Scotland. From the Death of King James I, in the Year M.CCCC. XXXVI, to the Year M.D.LXI*, Edinburgh 1930, 38.

44 Cosmo Innes, an influential Scottish historian, devoted hardly any attention to Norse history in his *Scotland in the Middle Ages*, explaining: 'It may be thought that I have restricted too much the portion of the "Norsemen", as in the tenth century; but I cannot find evidence of their colonizing or steady government, for any space to be needed in a map, beyond their known and recognized earldoms of Orkney and Caithness (including Sutherland) [...] [the Norsemen's] dominion was that of a continuous stream of pirates successively plundering the country and each other, and scarcely yet approaching to settled and civilized government' (Cosmo Innes, *Scotland in the Middle Ages: Sketches of Early Scotch History and Social Progress*, Edinburgh 1860, xvi–xvii). On the question of ethnicity in Scottish historiography, see e.g. Matthew H. Hammond, 'Ethnicity and the Writing of Medieval Scottish History', *Scottish Historical Review* 85, 2006, 1–27.

45 Wærdahl 2010, 39–40.

Clouston was also inclined to view historical figures within categorical ethno-national constituencies, as either Northmen or Scots, showing clear preference for the former over the latter.⁴⁶ Some of his contemporaries, such as Alfred W. Johnston, took the idea of ethnic nationalism even further, positing a link between 'blood' or 'race' and politics, despite lacking any means of assessing the 'racial' composition of the islanders.⁴⁷ Nonetheless, the notion that Orkney and Shetland formed an ethnic and a political frontline in which the strongest 'racial' element, be it Norse or Scottish, determined the political affiliations of those countries, persisted well into the later twentieth century. The work of Gordon Donaldson, an otherwise reliable legal historian, is at times sprinkled with antiquated notions of race, blood, and inherited nationalism. In his survey on Scottish settlement in Shetland written in 1983, for instance, he repeatedly applies what is now considered to be antiquated terminology, speaking of the 'racial composition of the inhabitants' and 'admixture of southern blood'.⁴⁸ He regarded Shetland, which perhaps experienced less immigration from Scotland and thus retained elements of the Norse language well into the sixteenth century, as remaining decidedly Norse into modernity. Orkney, by contrast, was in his estimate utterly infiltrated by Scots – 'blood', language, and all – and so by the fifteenth century was predestined to succumb to Scottish rule.⁴⁹

Although myths of biological determinism are now passé, historians have continued to look to other criteria to define islanders' national and political affiliations, including their place of birth, language and social engagements. In *The New History of Orkney*, Thomson emphasizes the increasingly Scottish character of Orkney's late medieval secular and clerical elite as a factor in the transfer of the isles in 1468/69. The succession of the Scotland-based Angus, Strathearn and Sinclair houses to the earldom in the thirteen and fourteenth

46 This is readily apparent in Clouston's analysis of parties involved in a settlement from 1369, where he distinguished Norsemen from Scots in J. Storer Clouston, *History of Orkney*, Kirkwall 1932, 232. Despite its biases, Clouston's work is still relevant for modern scholarship. His translated collection of Orkney records is still widely used (*Records of the Earldom of Orkney* [REO], ed. idem, Edinburgh 1914). Further studies of interest include, but are not limited to, idem, "The Odal Families of Orkney", *Old-Lore Miscellany of Orkney, Shetland, Caithness and Sutherland* 1, 1907, 27–32; idem, "The Lawrightmen of Orkney", *Scottish Historical Review* 14, 1917, 9–59; idem, "The Goodmen and Hirdmen of Orkney", *Proceedings of the Orkney Antiquarian Society* 3, 1924/5, 9–19.

47 Johnston 1916.

48 Donaldson 1983, 12, 16.

49 Idem, *A Northern Commonwealth. Scotland and Norway*, Edinburgh 1990, 120. Donaldson views the 'blood' or ancestry of Orkney's earls as a factor in their political affiliations.

centuries is said to have towed the isles into the Scottish orbit, while the clergy, which he regards as having been 'entirely Scottish' by the fifteenth century, activated 'symptoms of Scottish influence', including the introduction of the Scottish calendar and the substitution of Latin and Scots English for Norwegian in official documents.⁵⁰ 'The transfer of the islands', he concludes, 'was thus a political expression of the growth of Scottish influences'.⁵¹ Thomson does nuance this view when looking at the population as a whole, claiming that many émigrés underwent a 'powerful process of Orkneyfication' and that 'nationality was not much of an issue, race even less so' among the wider island population.⁵² Nevertheless, many of the most prominent figures in public life – including earls, their attendants, and certain members of the clergy – shaped the isles' political destinies in accordance with their ancestral Scottish loyalties.

National motifs are prevalent in the works of Barbara E. Crawford, the leading authority on the history of the Northern Isles and Norwegian-Scottish relations. While she underscores the remarkable successes of Orkney's earls and bishops in negotiating the opposing forces of two national fronts for much of the Middle Ages, Crawford also contends that by the fourteenth and fifteenth centuries, loyalties to Norway gave way to the weight of Scottish influence, a process that incited considerable social unrest.⁵³ She implies that

50 Thomson 2008, 189–90. On the introduction of the Scottish calendar as early as 1312, see Crawford 1969, 40. The last surviving official document from Orkney composed in Middle Norwegian dates from the mid-1420s (*DN* 2, no. 691). See e.g. Marwick 1929, xxii; and generally Sandnes 2005; Ljosland 2012. Thomson's views on the Orkney earls of the Sinclair line echo those of Munch who described Earl Henry I as 'merely a Scottish magnate whose interests were directed primarily toward Scotland and its affairs, [...] who surrounded himself almost exclusively with Scots whose numbers in the isles thus increased even more rapidly than before, greatly accelerating the de-nationalization of the population that was already well underway' (kun en skotsk Magnat, hvis Interesser fornemmelig drejede sig om Skotland og dets Anliggender, og som formodentlig ogsaa levede mere i Skotland, end paa Orknø, og som omgav sig næsten udelukkende med Skotter, hvis Antal saaledes blev endnu hyppigere paa Øerne end før og bidrog meget til at fremskynde den Denationalisering af Befolkningen, der allerede var i sterk Gang) (Munch 1863, 102).

51 Thomson 2008, 190. Thomson also argues that Norway's declining economic and political fortunes in the wake of the Black Death prevented monarchs from controlling Orkney, thus accelerating the isles' alienation from the mainland Scandinavian kingdom and 'the process which led to the Scottish takeover of the islands' (ibid., 187). Cf. idem, *Orkney Land and People*, Kirkwall 2008, 102.

52 Thomson 2008, 191.

53 This is evident in her discussion of Orkney's fourteenth and fifteenth century bishops, whom she believes were heavily biased toward Scotland and Scottish practices, often to

the encroachment of Scottish magnates and clerics was a strategy in the long-standing pursuit of Scottish kings to 'tame the north' and envelop northern territories into the Scottish national state.⁵⁴ This is particularly so in her discussions of the late fourteenth and fifteenth centuries, a time when the Sinclairs, a prominent noble house owing feudal obligations to the Scottish crown for their baronial lands in Midlothian, dominated the local political leadership in the isles. Their role in the 'Scottification' of the isles was supposedly accelerated by Scotland's kings, who 'regarded it as a matter of national pride that they should control the rich islands off their northern coasts'.⁵⁵ Much the same is said of Orkney's clerics, whose poor relations with the king of Norway in the fourteenth century were potentially 'due in part to the particular circumstances of increasing Scottish influence'.⁵⁶ While her fair treatment of developments in both Norway and Scotland demonstrates Crawford's lack of national partiality, she attaches negative connotations to 'Scottification' in the medieval context, portraying one of the most maligned figures in the history of late medieval Orkney, David Menzies of Weem, as the personification of Scottish influence: 'David Menzies of Weem seems to symbolise the looming threat to Orkney society of the inevitable process of Scotticisation which was being hastened under the rule of the Sinclair dynasty and Scottish churchmen'.⁵⁷

These notions, which have become veritable canons in the historical study of the Northern Isles, are not without their caveats. Steinar Imsen and Brian Smith have recently begun deconstructing concepts of ethno-nationalism in the isles in the Middle Ages. Imsen's study of the so-called *Complaint of the*

the detriment of their formal metropolitan in Nidaros and the Norwegian authorities in the isles. See e.g. Crawford 2003, 150. Crawford is by no means as fervent in the national view as was Munch, who described Bishop William IV of Orkney as 'Scottish by birth' (skotsk af Fødsel) and claimed that he 'supported his countrymen and, with force and other unlawful means sought to enforce this power to the detriment of the native-born islanders of Norwegian ancestry as well as the Norwegian king' (understøttede sine Landsmænd og overhoved ved Vold og andre utilladelige Midler søgte at skaffe disse Magten til Skade for de indfødte Øboere af norsk Herkomst og de norske Konger) (Munch 1862, 915).

54 Crawford 2013, 28. The reference here is to Crawford's discussion of the Scottish crown's incorporation of Caithness, a region with strong traditional ties to Norway and the Norse world, in the twelfth and thirteenth centuries. Scottish influence beyond the Pentland Firth, by contrast, was increased gradually and supported passively, rather than being actively driven in by Scotland's kings.

55 Ibid., 332. The statement echoes the sentiments of Rev. Thomas Thomson (Thomson 1896, 439).

56 Crawford 2013, 2.

57 Crawford 2013, 62.

People of Orkney, a public letter of grievance against David Menzies of Weem, the king's Scots administrator of the earldom, involves a thorough analysis of the names and presumed origins of the islanders recorded and, at least superficially, appears similar to the questionable methodology championed by Munch and his colleagues in the nineteenth century.⁵⁸ However, Imsen's aim was not to draw clear lines between ethnic or national groups, but to underscore the fact that the local community comprised an admixture of peoples with Scots, Norwegian and anciently local origins. By extension, ethnic diversity neither inhibited the cultivation of local communal identities nor compromised observance to established Norse laws. 'Irrespective of ethnic origin,' he explains, 'all these people seem to have regarded themselves first and foremost as locals – that is Orcadians'.⁵⁹ Crucially, although 'Orcadians did not see themselves as Norwegians any more than they considered themselves Scots', they still looked to the king of Norway as 'the natural ruler of the country', the purveyor of justice and the guardian of privileges long enjoyed by the island population.⁶⁰ Brian Smith has also addressed the hazards of applying outdated methods, and has highlighted previous historians' tendency to speculate uncritically on islanders' origins and presumed national allegiances. Like Imsen, he understands that animosities developing between constituencies were rooted in local controversies that had little or no bearing on the actors' sentiments toward Norway or Scotland in a national sense.⁶¹

Building on the propositions of Imsen and Smith, the following analysis de-emphasizes ethno-nationalism or nationalism, and emphasizes localism as a factor in the organization and development of public life along the Norwegian-Scottish frontier. To invoke local identity as the principal contributing factor, one must first determine the case-specific criteria for identification and the grounds for polarization. English translations of the source terminology can be misleading in this respect. Although historians have, for instance, accepted

58 Imsen 2012, 17–22; Munch's estimates the proportion of 'Norwegian' and 'Scottish' members of the Orkney community from a document from 1369 (*DN* 1, no. 404) (Munch 1862, 915–16), emphasizing the polarities with little nuance. Clouston also studied that document, albeit more judiciously (Clouston 1932, 232).

59 Imsen 2012, 20, 28. Cf. idem, "The Scottish-Norwegian Border in the Middle Ages", in Alex Woolf (ed.), *Scandinavian Scotland – Twenty Years After. The Proceedings of a Day Conference held on 19 February 2007*, St Andrews 2009, 14; idem 2002, 47.

60 Imsen 2012, 20, 28; 2002, 47: 'neither Icelanders nor Orcadians were considered Norwegians in a "national sense", although they were subject to the Norwegian king' (Truleg vart verken islendingane eller orknøyingane rekna for nordmenn i 'nasjonal forstand', sjølv om dei var undersåttar av den norske kongen).

61 Smith 2012.

'native' – a term that carries with it connotations of indigenesness or native birth – as a fitting interpretation for the Norse vernacular '*jnlenska*', there is no compelling rationale for assuming that the term, which literally translates to 'in-land', applied only to indigenous segments of society. It may have been ascribed to any communal members who had roots in, and demonstrable loyalties to, the locality and so could have applied to first-generation émigrés from Scotland or Norway as well as to native-born islanders, reflecting those figures' loyalties to the community rather than ancestral affiliation. With this in mind, we must question the supposed correlation between ethnogenesis and political affiliation. Crucially, although communal leaders frequently reiterate their fealty to the king of Norway, and advertise their place within the conglomerate realm of Norway, there is no evidence that they ever regarded themselves as belonging to a Norwegian ethnic or national community.⁶²

By the same token, definitions for foreigners (e.g. '*vthlænst folk*', '*alienigenas*') are not as categorically nationalistic as historians have previously assumed.⁶³ Unwelcome individuals and groups from the Scottish realm were typically ascribed negative characteristics without any indication that those characteristics were thought to apply to that broader national group. This is exemplified most strikingly in the fifteenth century, when islanders repeatedly bemoaned the incursions of 'Wild-Scots' ('*willeschotta*'; '*Scotis siluestribus*'), marauders from the Hebrides and the Scottish Highlands that were not only socially and culturally distinct from, but also politically inharmonious with communities in Scotland's Lowland core.⁶⁴

Accepting that affiliations, loyalties and animosities were not governed entirely or even principally by birth or ancestry, and were not necessarily congruous with national classifications, we must look for other elements of identification. As noted, although ethnicity has been a popular discourses in previous research on the Northern Isles, historians have ignored well-weathered sociological premises for the study of ethnicity, including the subjectivity and mutability of group perceptions.⁶⁵ By extension, they have isolated their focus to just one or two of the numerous attributes of ethno-national identity.⁶⁶

62 Imsen 2009, 14; idem 2012, 28.

63 *DN* 2, no. 691; *DN* 6, no. 423.

64 *DN* 2, no. 691; *DN* 5, no. 836.

65 For the fluidity of identity boundaries see e.g. Fredrik Barth, *Ethnic Groups and Boundaries. The Social Organization of Cultural Difference*, Oslo 1969.

66 Anthony D. Smith's definition of an ethnic identity involves six main features: (1) a proper or informal common name which represents the 'essence' of the group; (2) a myth of common ancestry and the belief in some degree of kinship; (3) shared memories of a common past; (4) one or more elements of a common culture such as religion, customs,

Language is the only readily apparent ‘ethnic’ marker found in late medieval sources from the frontier. The decline of Norwegian as the medium for written correspondence and record-keeping in the late fourteenth and fifteenth century clearly exemplified the shifting cultural character of Orkney’s literate population. From a political perspective, however, this change was superficial, for the content of letters written in Latin or Scots English is largely accordant with standards of political discourse established at a time when Norse was still the dominant tongue. Somewhat paradoxically, studies of nationalism in medieval Scotland – the supposed impetus for the isles’ national reorientation – provide the most convincing argument against language as a major marker for national affiliation or cohesion in this time and place. As Alexander Grant points out, Scotland developed as a political community despite substantial linguistic disunity. It was a hybrid constellation, comprised of Gaelic-, English- and French-speaking communities, clans and coteries that cultivated a sense of fraternity through allegiance to the king and his laws.⁶⁷

A focus on the island communities’ relationship to the king and law may offer a clearer understanding of the modalities of identity along the late medieval frontier. These are the same features that unified the diverse Norse principalities, each with their own traditions, within the context of the realm of Norway in the late thirteenth century. Jón Viðar Sigurðsson explains that the king was a salient symbol of power in all Norse communities in the later Middle Ages and, with his supreme legislative and judicial authority, stood at the centre of what can be regarded as a community of law.⁶⁸ While one should not discount the crown’s practical efforts to administer the margins of the realm, one must also appreciate its broad conceptual authority. The tributary countries, which differed from one another in many environmental, structural, and social respects, shared a common adoration of the crown, worked within a common chronological framework based around the lives of its kings, and upheld a shared regard for those king’s authority in matters of lawmaking and jurisprudence.⁶⁹ Wærdahl suggests that law was the Norwegian crown’s favoured and most productive instrument for political amalgamation of tributary countries,

and language; (5) a real or symbolic link to patria or an ancestral homeland; and (6) a general sense of solidarity (Smith 1991, 14). See also Montserrat Guibernau, “Anthony D. Smith on Nations and National Identity: A Critical Assessment”, *Nations and Nationalism* 10, 2004, 125–41.

67 Grant 1994. Linguistic categories overlaid a plethora of separate local constellations, not all of whose people felt a natural affinity with one another (*ibid.*, 76). Thus, if language and localism divided the people, the king and his laws united them.

68 Jón Viðar Sigurðsson 2010, 59–74.

69 *Ibid.*, 60–62, 63–65.

describing the mainland kingdom and the tributaries as ‘a judicial unit’ by the late thirteenth century.⁷⁰

Among the multitude of different local identities, the crown and its laws provided common points of orientation and allegiance. Efforts to govern the individual communities, although varied, were arranged with these points in mind. Recent investigations of the aims and structures of political organization of the late medieval realm of Norway reveal that ethnic and national cohesion were immaterial for successful inter-communal cooperation, and that Norway’s monarchs relied largely on the dissemination of common legislation as a mechanism for anchoring outlying communes in the political framework. Reigning over a federalized system, monarchs yielded considerable administrative authority to ‘provincial communes’, allowing them to cultivate local symbols, traditions and identities, and to negotiate local challenges as they deemed most expedient in accordance with the consolidated legislation of the realm. Such findings call for the retirement of ethno-national and national models in the historical study of the Northern Isles. While nationalism may have been palpable in the political discourse of mainland Norway (and Scotland), it was neither expected nor imposed upon outlying communities, which were free to pursue home-grown initiatives, and preserve or create local cultural identities.⁷¹

Conceptualizing the Frontier

King Magnus VI’s declaration of dominion over the islands of Orkney and Shetland (*jnsulis Orchadie et Hietlandie*) in 1266 was tantamount to a proclamation of territorial lordship.⁷² Under the influence of Roman legal theory, the

⁷⁰ Wærdahl 2011, 138.

⁷¹ Historians tend to underscore the role of nationalism in anti-foreign campaigns in fifteenth-century Norway, suggesting perhaps that discrimination was more categorical than is assumed here. See e.g. Opsahl 2008; Steinar Imsen, “...attj wthi act oc mening hade I hiel slagett alle ffogter oc lensmen oc siden reise menig man oc gaa al warden offuer ...’: Unionsregimente og bondemotstand under Erik av Pommern”, in Knut Arstad (ed.), *Konge, adel og opprør. Karlmarunionen 600 år*, Oslo 1998, 94–96; idem 2002, 45–55.

⁷² *DN* 8, no. 9. Dominion can be defined as the right to lordship over land and property. Although medieval jurists considered distinctions between dominion as property (*dominium secundum proprietatem*) and dominion as rulership (*dominium secundum imperium*), dominium was generally used as a comprehensive term entailing both *imperium* and *proprietas* (Otto Brunner, *Land and Lordship. Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James van Horn Melton, Philadelphia 1992, 203).

juridical concept of dominion entailed a 'right to lordship over land and property that supersedes individual assets and bestows concrete rights to land and with respect to the persons belonging thereto'.⁷³ In reserving the physical territories along with their 'lordships, homages, rents, services, and all rights' to the Norwegian king's authority, the Treaty of Perth established a standard of non-intervention on the part of the Scottish king. Although it predated the articulation of international laws of sovereignty by several centuries, the principles laid down in 1266 were not exceedingly dissimilar to the modern doctrine of non-intervention, the 'corollary of every state's right to sovereignty, territorial integrity and political independence'.⁷⁴ The new delineation of territorial lordship declared by Magnus VI, and accepted by Alexander III, transformed the Pentland Firth, the waterway running between the isles and the Scottish mainland, into a state-political border. Even by modern standards, the proposed delineation fulfilled the criteria accepted for a modern political border, namely a 'regular, but not necessarily linear and, in accordance with legal propositions,

73 Dietmar Willoweit, "Rezeption und Staatsbildung im Mittelalter", in Dieter Simon (ed.), *Akten des 26. Deutschen Rechtshistorikertages*, Frankfurt am Main 1987, 33: 'Herrschaftsrecht an Land und Liegenschaften, das konkrete, über das Individualeigentum hinausgehende Rechte an Grund und Boden und gegenüber den zugehörigen Personen vermittelt'. This was not identical to territorial sovereignty, but it provided a basis thereof in the fifteenth century (*ibid.*, 32–43).

74 Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law*, vol. 1, London 1996, 428. There was no form of international law regulating the degree to which individual rulers could interfere in the territories or lordships claimed by a foreign ruler. The Treaty of Perth, however, does subject the two kings involved to papal oversight and the threat of penalization if they fail to live up to the agreed terms, stipulating that the parties 'submit in this matter to the jurisdiction of the seat of the Apostles, that through the single command of the preceding, by sentences of excommunication against either party, neither to be excepted or interdicted in the kingdom without judicial appeal, and some investigation of the cause should compel the party withdrawing from the aforementioned composition and final concord, to pay to the party observing the composition and final concord the said penalty of 10,000 marks, wholly and fully, nevertheless this composition and final concord is to be observed in each and every article upheld and forever held valid' (*subiecerunt in hoc iurisdiccioni sedis apostolice vt vnica monicione premissa per sentencias excommunicacionis in personas nullius persona excepta et interdicti in regna absque strepitu iudiciali et aliqua cause cognicione compellat partem resilientem a composicione et finali concordia predictis ad soluendum parti ipsas composicionem et finalem concordiam obseruanti dictam penam decem milium marcarum integre et plenarie et nichilominus ad ipsas composicionem et finalem concordiam jn omnibus et singulis articulis obseruandas non relaxandas quousque dicta pena vt dictum est plenarie fuerit persoluta. jpsis composicione et finali concordia in suo robore in omnibus et per omnia duraturis et imperpetuum valituris*) (DN 8, no. 9).

concrete demarcation of a given space [...], in which a specific state authority, with respect to its fundamental claim to exclusivity, can perform its function – that of rulership'.⁷⁵ As the pivot-point for a new spatial delineation of lordship, the Pentland Firth became the nautical manifestation of a new state-political border.⁷⁶

That border was, however, intangible and did little to physically segregate the islanders from their neighbours on the Scottish mainland. Despite the nominal distinction between Norwegian and Scottish jurisdictions, local populations continued to traverse the Pentland Firth, which has long unified communities on the northern and southern shores more often than it divided them.⁷⁷ Barbara E. Crawford contends that the new border's permeability reflected the Norwegian crown's inchoate strategy for geopolitical consolidation on the one hand, and the ineffectiveness of border control mechanisms, on the other. By retaining the earldom of Orkney, an institution traditionally held in conjunction with the earldom of Caithness, a vassalage of the Scottish crown, Norway's kings failed to secure the bounds of jurisdiction and left open an avenue for Scottish political influence at the highest echelons of local governance. Furthermore, the practical inability of Norway's kings to regulate immigration left the door open for a popular influx from Scotland, in turn accelerating the 'Scottification' of the island populations and facilitating their political reorientation.⁷⁸

Appreciating that the social development of the isles in the late Middle Ages was not dictated solely by the state-political border, historians have tended to

75 Daniel-Erasmus Khan, *Die deutschen Staatsgrenzen. Rechtshistorische Grundlagen und offene Rechtsfragen*, Tübingen 2004, 26. Cf. Georg Jellinek, *Allgemeine Staatslehre*, Berlin 1905, 381.

76 Imsen 2005. Imsen alludes to the importance of territoriality as a theoretical basis for political organization in other border negotiations between Norway and its neighbours, including Sweden, in the late thirteenth century (e.g. *ibid.*, 148–49; cf. Olof Holm, "Den norsk-svenska riksgrensens ålder och hävd: En studie av rikssamlingsprocesser och gränsbildning i mellersta Skandinavien", *Collegium Medievale* 16, 2003, 135–237; Moseng et al. 1999, 148–49) and Novgorod (Imsen 2005, 149; cf. Carsten Pape, "Rethinking the Medieval Russian-Norwegian Border", *Jahrbücher für Geschichte Osteuropas* 52, 2004, 161–87; Lars I. Hansen, "Fra Nöteborgsfreden til Lappekodusillen, ca. 1300–1751: Folkegrupper og statsdannelse på Nordkalotten med utgangspunkt i Finnmark", in Steinar Imsen (ed.), *Grenser og grannelag i Nordens historie*, Oslo 2005, 369–73). Cf. Imsen 2009, 13, 16.

77 Crawford 2013, 23; Imsen 2009, 12.

78 Crawford 2013, 23–26, where Crawford juxtaposes the Norwegian crown's addressing of 'border control issues' with Scottish magnates' disregard for the Pentland Firth as a 'state border'.

describe the region more generally as a *frontier*, a concept of political organization typically associated with pre-modern states that assumes a higher degree of cultural, social and political ambiguity than that typically associated with modern states.⁷⁹ Before assessing the concept's applicability to the Norwegian-Scottish case, we should take a closer look at its relevance for the study of medieval Europe. Historians and political scientists have insisted that there is great disparity between the fixed, well-defined linear borders of modern states and the diffuse, zonal frontiers of medieval polities. The former, it is said, are characterized by relative precision and permanence, while the latter were marked by 'indeterminacy and permeability'.⁸⁰ The unsettled nature of medieval political boundaries is assumed to reflect the underdevelopment of territorial lordship as a premise for political organization. John Ruggie argues:

The archetype of non-exclusive territorial rule of course is medieval Europe – with its 'patchwork of overlapping and incomplete rights of government...'. The difference between the medieval and modern worlds is striking in this respect. Briefly put, the spatial extension of the medieval system of rule was structured by a nonexclusive form of territoriality, in which authority was both personalized and parcellized within and

79 Broader scholarship on frontiers is extensive, and can only be touched upon here. For general discussion of the term see e.g. John R. Prescott, *Boundaries and Frontiers*, Totowa, 1978; idem and Gillian G. Triggs, *International Frontiers and Boundaries. Law, Politics and Geography*, Leiden 2008; Ladis K.D. Kristoff, "The Nature of Frontiers and Boundaries", *Annals of the Association of American Geographers* 49, 1959, 269–82. For research on pre-modern frontiers see e.g. Nora Berend, "Medievalist and the Notion of the Frontier", *The Medieval History Journal* 2, 1999, 55–72; Nikolas Jaspert, "Grenzen und Grenzräume im Mittelalter: Forschung, Konzepte und Begriffe", in Klaus Herbers and Nikolas Jaspert (eds.), *Grenzräume und Grenzüberschreitungen im Vergleich. Der Osten und der Westen des mittelalterlichen Lateineuropa*, Berlin 2007, 43–70; Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change, 950–1350*, Princeton 1994; Daniel Power and Naomi Standen (eds.), *Frontiers in Question. Eurasian Borderlands, 700–1700*, New York 1999; Alexander C. Diener and Joshua Hagen (eds.), *Borderlines and Borderlands. Political Oddities at the Edge of the Nation-State*, Lanham 2010; Robert Bartlett and Angus MacKay (eds.), *Medieval Frontier Societies*, Oxford 1989; Florin Curta (ed.), *Borders, Barriers, and Ethnogenesis. Frontiers in Late Antiquity and the Middle Ages*, Turnhout 2005; David Abulafia and Nora Berend (eds.), *Medieval Frontiers. Concepts and Practices*, Aldershot 2002; Jörn Staeker (ed.), *The European Frontier. Clashes and Compromises in the Middle Ages*, Lund 2004; Ulrich Knefelkamp and Kristian Bosselmann-Cyran (eds.), *Grenze und Grenzüberschreitung im Mittelalter*, Berlin 2007.

80 Jacques Le Goff, *The Birth of Europe*, trans. Janet Lloyd, Malden 2005, 4.

across territorial formations and for which inclusive bases of legitimation prevailed.⁸¹

According to some historians, lineal borders were not only inconceivable to medieval minds, but are also misleading models for explaining interactions between medieval polities. Ronnie Ellenblum asks if there were 'any other way, besides the demarcation of a single boundary line, of depicting the confines of suzerainty and territorial lordship'.⁸² He concludes that to understand the peripheries of medieval polities we must free ourselves from modern ideas of fixed, linear borders used to demarcate *both* jurisdiction *and* geographical space at the edges of modern states. A political border of today is an artificial line which upon crossing 'brings the modern traveller to a different world, full of political and nationalistic symbols: a different language, different monetary and fiscal systems, a different flag and uniforms, different customs regulations, a different criminal law, and different traffic laws'.⁸³ In other words, it is an artificial, yet formative boundary that creates a new world, identifiable, and distinct from that of its neighbours.

Pre-modern political frontiers, Ellenblum claims, were far less deterministic. The bounds of medieval authority were intangible in that they depended on personal and often overlapping contracts of lordship. Particularly in the earlier Middle Ages, kings did not identify themselves with a specific set of lands under their sway so much as with the people who owed them loyalty. Political communities were defined vis-à-vis a common, collective association with a ruler, not by their physical containment within a given space. Personal contracts could overlap, creating complex scenarios in which neighbouring rulers competed for influence over the inhabitants of an intermediary zone. Sovereignty, Ellenblum argues, was not comprehensive, but fell within a multiplicity of political spheres, which could also overlap: 'It was never obvious where a certain right ceased to be recognized, because the orientation was not linear but concentric, and it was definitely not homogenous in space'.⁸⁴ Subjects far removed from the centres of political power were often incapable of, or at least unconcerned with, determining who their rightful ruler was. While

81 John G. Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations", *International Organization* 47, 1993, 149–50.

82 Ronnie Ellenblum, "Where Were the Borders and Borderlines in the Middle Ages? The Example of the Latin Kingdom of Jerusalem", in Abulafia and Berend (eds.), *Medieval Frontiers. Concepts and Practices*, Aldershot 2002, 105.

83 Ibid., 108.

84 Ibid., 112.

the concept of linear, precise boundaries was not entirely alien to medieval observers, given that it was used in the demarcation of fields, dioceses, and towns, the use of boundaries in this sense was on a limited scale and did not belong to a 'higher political order' of inter-state affairs.

In European scholarship, medieval frontiers are most commonly regarded as contested zones. The English expression derives from the French *frontière*, which as Daniel Power explains 'is both etymologically and semantically a military term' that first gained appreciation during the military buildup of the Valois kings in the sixteenth century.⁸⁵ Comparable terms from other traditions also support the notion that unfixed political boundaries were often conducive to political and territorial competition and military confrontation: the Arabic *thughūr* (i.e. mouth) gained its militaristic connotation in stride with fervent, long-standing struggles between Muslim communities and those of the Christian Byzantine Empire.⁸⁶ Similarly, the Spanish *frontera* gained relevance in the age of Reconquista, when Iberia acted as a battleground between Christians and Muslims, while the English *march* and the German *Mark* were also applied to the militarized zones at the fortified margins between conquering and conquered communities in the Middle Ages.⁸⁷ Fredrick Jackson Turner's alternative concept of the frontier, which he fashioned from uniquely American experiences, has resonated in studies of such liminal spaces in European history. Rather than a 'fortified boundary running through dense populations', Turner's American frontier lay 'at the hither edge of free land'.⁸⁸

85 Daniel Power, "Introduction. A. Frontiers: Terms, Concepts, and the Historians of Medieval and Early Modern Europe", in Daniel Power and Naomi Standen (eds.), *Frontiers in Question. Eurasian Borderlands, 700–1700*, New York 1999, 6. *Frontière* has more specifically military associations than *limite(s)*, which had more pacific connotations of political division that can be reflected in neutral terms for demarcation such as the Latin *terminus*, Slavonic *granica* or *krai*, German *Grenze* (linear) or *Mark* (zonal), Greek *horos*.

86 Michael Bonner, "The Naming of the Frontier: Awāsim, Thughūr and the Arab Geographers", *Bulletin of the School of Oriental and African Studies* 57, 1994, 17–24.

87 The term emerged at some point in the early thirteenth century (Power 1999, 29; Peter Linehan, *History and the Historians of Medieval Spain*, Oxford 1993, 263). For the March of Wales see e.g. R. Rees Davies, "The Law of the March", *Welsh History Review* 5, 1971, 1–30; idem, *Lordship and Society in the March of Wales 1282–1400*, Oxford 1978; idem, "Kings, Lords and Liberties in the March of Wales, 1066–1272", *Transactions of the Royal Historical Society* 5, 29, 1979, 41–61; idem, "Frontier Arrangements in Fragmented Societies: Ireland and Wales", in Robert Bartlett and Angus MacKay (eds.), *Medieval Frontier Societies*, Oxford 1989, 77–100; Max Lieberman, *The Medieval March of Wales. The Creation and Perception of a Frontier, 1066–1283*, Cambridge 2010.

88 Fredrick J. Turner, *The Frontier in American History*, New York 1921, 3. Turner portrayed the frontier as the motor for, rather than a product of, a uniquely American character.

Although it was a process, not a place, that process was nevertheless defined by struggle: a struggle for European conquest of free land and a troubled, though formative, convergence of opposing forces, the civilized and savage.⁸⁹ If there was a scarcity of free land for conquest in medieval Europe, there was a plethora of peoples, and frontier scholars tend to regard processes of conquest, and the resulting militarization of indigenous and immigrant communities, as archetypal of European frontier experiences.⁹⁰

The contestability of pre-modern frontiers is attributed largely to the supposed inability of states to achieve control of the margins of their realms. First, leaders lacked the precise geographic awareness to delineate and demarcate the bounds of their political authority across vast landscapes. Second, they were in want of the economic, organizational or military means to regulate the entry into or exit from their territories. Finally, they struggled to enforce their authority domestically, particularly in outlying regions, where they could not hope to gain a monopoly on legitimate (or illegitimate) violence. In spite of these challenges, rulers strove to impose their authority over outlying populations and, if flanked by another power, to outdo their neighbours in their intermediary zones. According to Naomi Standen, rulers 'aimed to define the frontier so as to include the territories of the frontier lords, and then to persuade those lords to accept this definition'.⁹¹ Viewed unilaterally, such efforts could

In this respect, the frontier experience motivated the American disposition. For a critical study of the Turnerian ideal see e.g. Patricia Nelson Limerick, *The Legacy of Conquest. The Unbroken Past of the American West*, New York 1987; Richard Hofstadter and Seymour M. Lipset (eds.) *Turner and the Sociology of the Frontier*, New York 1968.

- 89 Ibid., 20–27. Turner's image of the frontier and its importance for American history was mythical (Berend 1999, 56; Seymour M. Lipset, "The Turner Thesis in Comparative Perspective: An Introduction", in Richard Hofstadter and Seymour M. Lipset (eds.), *Turner and the Sociology of the Frontier*, New York 1968, 9–14, 9–14). It nevertheless inspired a revaluation of Europe's medieval frontiers (Berend 1999, 56–57), e.g. James W. Thompson, "Profitable Fields of Investigation in Medieval History", *American Historical Review* 18, 1913, 490–504; Archibald Lewis, "The Closing of the Medieval Frontier 1250–1350", *Speculum* 33, 1958, 475–83.
- 90 This view is advanced strongly in Elena Lourie, "A Society Organized for War: Medieval Spain", *Past and Present* 35, 1966, 54–76. The view is also espoused in Manuel González Jiménez, "Frontier and Settlement in the Kingdom of Castile", in Robert Bartlett and Angus MacKay (eds.), *Medieval Frontier Societies*, Oxford 1989, 49–74.
- 91 Naomi Standen, "Introduction. B. Nine Case Studies of Premodern Frontiers", in Daniel Power and Naomi Standen (eds.), *Frontiers in Question. Eurasian Borderlands, 700–1700*, New York 1999, 22.

be regarded as features of domestic consolidation and state-making.⁹² But a different dimension emerged in intermediate zones of adjacent states, where 'the most effective ways of clarifying where the limits of the ruler's authority lay was to foster antagonism towards the neighbouring group or groups'.⁹³

This perspective on the modalities of power along pre-modern frontiers is championed in Crawford's research on Norwegian-Scottish relations. Her doctoral thesis from 1971, 'The Earls of Orkney-Caithness and their Relations with Norway and Scotland: 1158–1470', long served as the standard work for students on the theme, not only for its encyclopedic scope, but also for its articulate portrayal of frontier politics.⁹⁴ Central to the study were the precarious and frequently divisive dual allegiances of Orkney's earls and their cohorts: to Norway, for their fief of Orkney, and to Scotland, for their patrimony of Caithness. Although her work underscores the fact that the history of the Norwegian-Scottish frontier is not the intellectual domain of one national historical tradition, but had equal relevance for both Norwegian and Scottish schools, it nevertheless supports the traditional view of historical national competition. This work and later publications go a long way toward modernizing our conception of the Norwegian-Scottish frontier, dispelling any confusion about its possible linearity and underscoring its permeability and transitory nature throughout the Middle Ages. Despite this nuance, Crawford's most recent survey, *The Northern Earldoms*, still emphasizes frictions in the region: 'it is difficult to avoid the conclusion that in this frontier zone between Scottish and Norse societies tensions were endemic and could produce flash points'.⁹⁵ In keeping with the received concept of pre-modern frontiers, her studies also portray the region around the Pentland Firth as an unsettled zone conducive to the advancement of geopolitical ambitions.

There are reference points to substantiate this perspective, at least from the central Middle Ages. Norwegian and Scottish kings imposed their authority, often with or without the threat of military force, in and around Scotland's seaboard on several occasions between the late eleventh and late thirteenth centuries. In 1098, King Magnus III set off on a campaign to assert Norwegian

92 Borders and frontiers could have greater significance for the self-conceptualizing and consolidation of the internal groups than the physical repulsion or exclusion of foreigners (Jaspert 2007, 52; Berend 1999, 90). The Great Wall of China is a good example of this (Owen Lattimore, "Origins of the Great Wall of China: A Frontier Concept in Theory and Practice", *Geographical Review* 27, 1937, 529–49).

93 Standen 2010, 24.

94 Crawford 1971.

95 Idem 2013, 274.

lordship over the petty lordships of the Irish Sea, and, after marauding along Ireland's and Britain's western coasts for several weeks, pressed King Edgar of Scotland into an agreement in which the latter ceded authority over the Inner Hebrides to the Norwegian crown. As Crawford explains, that confrontation set off 'a power game' between two distinct spheres of influence, one Norse, the other Scottish.⁹⁶ The playing field was extended northward in the late twelfth century when King Sverre of Norway and King William I of Scotland each cracked down on Harald Maddadson, earl of Orkney and Caithness, for his breaches of loyalty.⁹⁷ Crawford argues that those 'powerful and very ambitious kings [...] regarded it as their duty to establish direct overlordship over the peripheral parts of their kingdoms'.⁹⁸ The fervor for control and the

96 Ibid., 169–70. The incursion of King Magnus III into the Irish Sea and the confrontation with King Edgar of Scotland in 1098 is said to have resulted in the first Norwegian-Scottish border agreement pertaining to the islands along Scotland's western seaboard (*Orkneyinga saga* [Os], in *Íslenzk Fornrit*, vol 34, ed. Finnbogi Guðmundsson, Reykjavik 1965 Chs. 37–40). Historians have proposed different motives for those campaigns. Much of the received wisdom from both older and newer scholarship explains it as a concerted effort to draw the communities in the Western Isles under Norwegian rule and anchor them more firmly into Norway's political jurisdiction. See e.g. Gustav Storm, "Magnus Barfods Vesterhavstog", *Historisk tidskrift* 7, 1882, 1–20; Per S. Andersen, *Samlingen av Norge og kristningen av landet 800–1130*, Oslo 1977, 163–67; Narve Bjørge, Øystein Rian and Alf Kaartvedt, *Norsk utenrikspolitikk historie*, vol. 1. *Selvstendighet og union. Fra middelalderen til 1905*, Oslo 1995, 27–29; R. Andrew McDonald, *The Kingdom of the Isles. Scotland's Western Seaboard, c.1100–c.1336*, East Linton 1997, 34–35, 37, 39; Rosemary Power, "Magnus Barelegs' Expeditions to the West", *Scottish Historical Review* 65, 1986, 107–32; idem, "Meeting in Norway: Norse-Gaelic Relations in the Kingdom of Man and the Isles, 1090–1270", *Viking Society for Northern Research* 30, 2005, 5–66; Ian Beuermann, "Norgesveldet South of Cape Wrath? Political Views, Facts, and Questions", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c.1100–c.1400*, Trondheim, 2010, 99–123; idem, "Not Worth the King's While? Manx-Hebridean Payments to Norway and the Insular Economy", in Steinar Imsen (ed.), *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, Trondheim 2011, 77–102; Richard Oram, *Domination and Lordship. Scotland 1070–1230*, Edinburgh 2011, 48–55; Wærdahl 2011, 41–42; Grohse 2013, 261; idem 2014b: 515–16, 517.

97 Crawford 2010, 88–90.

98 Idem 2013, 240. For Earl Harald's relations to Norway see also e.g. Clouston 1932, 130–34; Thomson 2008, 120–27; Imsen 2000, 164–64; Wærdahl 2011, 71–78; Orning 2008, 165, 191, 226–27. For the earls' relations to Scotland see e.g. Barbara E. Crawford, "Norse Earls and Scottish Bishops in Caithness: A Clash of Cultures", in Colleen E. Batey, Judith Jesch and Christopher D. Morris (eds.), *The Viking Age in Caithness, Orkney and the North Atlantic. Select Papers from the Proceedings of the Eleventh Viking Congress*, Edinburgh 1993, 129–47; Oram 2011, 142–43.

tenor of competition between kings culminated in 1263 when King Hákon IV and King Alexander III went to war over the latter's support of the Scottish invasion of the Isle of Skye the previous year. The struggle tested the dual allegiances of Magnus III, earl of Orkney and Caithness, and eventually compelled him to renege on his feudal obligations to the Norwegian crown in favor of his Scottish commitments.⁹⁹ Crawford is certainly not alone in emphasizing the hostility that characterized relations between the two kingdoms, as well as the precarious position of frontier communities amidst those struggles in the eleventh, twelfth and thirteenth centuries.¹⁰⁰ Nor is there any real basis for countering those views. Although only intermittently actuated, the air of competition between kings and their vassals along the frontier was clearly pervasive in the central Middle Ages.

However, scholars have failed to demonstrate convincingly the continuation of that struggle beyond the 1260s. The conclusion of a peace between Norway and Scotland in 1266 altered the tenor of discourse between the two kingdoms, yet in Crawford's views also ushered in new areas of contention. The first was the so-called 'annual of Norway', a payment due to the Norwegian king, in perpetuity, in exchange for Norway's relinquishment of the Hebrides and Man in 1266. Scotland quickly fell into arrears over their dues in the late thirteenth century. Negotiations concerning the resumption of payments in the fourteenth and fifteenth centuries reflected ongoing tensions between Norwegian and Scottish royal houses and impelled the crisis that resulted in Orkney's and Shetland's impignoration to Scotland in 1468/69.¹⁰¹

The second conflict that emerges prominently in late medieval sources and which allegedly reflects the challenges in frontier governance and the political contentions of the Norwegian and Scottish factions is that between native islanders and Scottish émigrés. In the thirteenth century, diplomatic sources reveal the propensity with which men from the Scottish mainland traversed the Pentland Firth and either visited or settled in the isles. Although this process began much earlier, immigration was apparently accelerated with the intensified relations between Orkney's earls and bishops, and Scotland's aristocracy.¹⁰² Thomson notes that since the earldom of Orkney's founding in

99 Crawford 2013, 299–301; idem 2010, 88–91.

100 It is a recurring theme in e.g. Beuermann 2006; Oram 2011; Wærdahl 2011, 40–58.

101 Crawford 2013, 360–61, where growing tensions are referred to as 'the gathering storm clouds'.

102 Sources do not allow us to judge the scale of immigration, although historians often speak of increased immigration and influence. Ronald G. Cant suggests that Scottish influence was inconsequential prior to the mid-fourteenth century, and that 'it was not until the

the ninth century, 'its rulers had been inextricably involved in Scottish affairs', and that 'Scottish influence steadily increased' as the earldom fell to the lines of Angus, Streathearn, and eventually Sinclair, all of which had ancestral ties and living obligations in Scotland.¹⁰³ The church provided another avenue for immigration from Scotland, and by the fifteenth century, 'the clergy seem to have been entirely Scottish'.¹⁰⁴ These leaders supposedly had a tendency to offer avenues through which their servants and associates could obtain land and office in the isles, eventually leading to the marginalization of the native Norse language, customs and traditional political allegiances.¹⁰⁵ The influx of Scots and the related spread of Scottish mores across the water may be attributed to the ineffectiveness of border controls: 'The Pentland Firth might have been a state border, but it was not one which was easily policed, and those who were in control in Caithness [in Scotland] were in control of the ferries and crossing-points'.¹⁰⁶ The extent to which immigration fuelled animosity is supposedly exemplified in periods of particularly intense civil unrest in the 1360s, 1420s and 1460s. Although the periods of turbulence were manifestations of tensions at the grassroots level, scholars often draw links between native-foreign conflicts and lingering aspirations of geopolitical dominance: never fully satisfied with the partition of lordships over the frontier from 1266, Scotland's kings, particularly those of the Stewart line, drew the loyalties of earls, bishops and their supporters away from their Norwegian superiors, thereby cutting ancient ties to the Norse realm and facilitating the eventual transfer of power to Scotland in 1468/69. As Crawford argued, obtaining the Northern Isles was a question of 'national pride'.¹⁰⁷

Despite shedding light on previously unaccounted empirical evidence, Crawford's work is an elaboration on, rather than a break from, previous research. While she emphasizes the uniqueness of the Norwegian-Scottish case in a European context, her portrayal of the region as a proving ground for rival powers falls in line with the standard narrative on Europe's pre-modern frontiers. Her theories prompted discussion, particularly with Norwegian historians who question Crawford's view on Norway's diminishing role in frontier politics. Wærdahl, for instance, rejects Crawford's assertion that earls typically

accession of the Sinclair earls [...] that Scottish influence began to grow to any appreciable extent' (Cant 1972, 14).

103 Thomson 2008, 189–90.

104 *Ibid.*, 190.

105 Munch 1862, 32, 915–16; Holmsen 1977, 368.

106 Crawford 2013: 26.

107 *Ibid.*, 332.

governed Orkney independently of Norwegian officials, claiming rather that Norway's kings consistently appointed sheriffs to protect the crown's interest, a custom that began under the reign of King Sverre in the late twelfth century.¹⁰⁸ Wærdahl's discussion alludes to a larger issue addressed more thoroughly by Imsen: the Norwegian crown's interest in, and efforts to act as, a practical executive authority in day-to-day affairs in the island communities. He maintains that the continued practice of Norse law anchored the isles within the Norwegian ambit up to and beyond their impignations to Scotland.¹⁰⁹ Furthermore, the appointment of local men, rather than Norwegians, to governmental posts, and the delegation of authority to the 'peasant commune' (*bondekommune*) in juridical matters was characteristic of the federalized governmental organization of the late medieval realm of Norway.¹¹⁰ In this respect, the devolution of executive license from the royal court, at the centre of the realm, to local political arenas, at its periphery, was neither unusual nor indicative of the crown's weakening grasp on frontier affairs.

Imsen also deemphasizes competition as a feature of Norwegian-Scottish relations in the later Middle Ages. This view hinges upon the idea that medieval rulers could identify and execute their lordship in spatial dimensions, and that expressions of territorial dominion served to quell competition between adjacent kingdoms.¹¹¹ Territoriality did not necessitate the physical obstruction

108 Wærdahl 2011, 143–58, 167. The imposition of a royal sheriff was part of a forced settlement between the Norwegian king and the Orkney earl in the wake of a failed uprising of islanders against the king the previous year. The 1195 settlement has not survived, and is only known about from brief accounts in *Os*, 297; *Sverris saga. Etter cod. AM 327 4°* [Ss], ed. Gustav Indebjør, Oslo 1981, 131–32; *Soga om birkebeinar og baglar. Bøglunga sogur* [Bs], ed. Hallvard Magerøy, Oslo 1988, 120.

109 Steinar Imsen, *Norske bondekommunalisme fra Magnus Lagabøtes tid til Kristian Kvart*, vol. 2. *Lydriketiden*, Trondheim 1994, 257. In general on 'peasant communalism', see idem, *Norske bondekommunalisme fra Magnus Lagabøtes tid til Kristian Kvart*, vol. 1, *Middelalderen*, Trondheim 1990.

110 Imsen explains that 'the new Norgesvelde after 1266 got a federal structure with strong communal elements, and instead of being a kind of empire the Realm of Norway should be characterized as a Norse commonwealth' (Steinar Imsen, 'Introduction', in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c.1100–c.1400*, Trondheim 2010, 30). This view is supported by Wærdahl, who claims, 'We cannot say that the crown reduced its presence in the tributary lands after 1350, but the relationship between the crown and the tributary lands changed character; it became more indirect' (Wærdahl 2011, 270–71).

111 Imsen argues that the Pentland Firth represented 'some kind of boundary' since the eleventh century, yet began to take shape, albeit slowly, as a 'state-border' in the late thirteenth century (Imsen 2009, 11). The reign of King Magnus VI saw a shift from territorial

of movement and could be expressed jurisdictionally even in zones of free-movement. With its principles of territoriality and jurisdictional exclusivity, the border agreement from 1266 defined the negotiating parties and outlined their bases of authority, creating a new framework for foreign state-diplomatic interaction. Imsen's premise has most recently been expounded upon in several articles by the present author, who posits that the late medieval frontier was more conducive to peace than to competition.¹¹²

Historians are not immune to sensationalism, and because our sources often cluster around controversial events, we are prone to prioritize conflict over consent. Given the legacy of competition and violence along the Norwegian-Scottish frontier in the eleventh, twelfth and thirteenth centuries, it is unsurprising that scholars have assumed a correlation between incidents of conflict from the fourteenth and fifteenth centuries, and rivalries between Norwegian and Scottish groups witnessed in earlier epochs. As will be demonstrated in the following, however, closer reading of the material suggests that controversy was an aberration from the norm along the late medieval frontier. Following the conclusion of peace in 1266, the kingdoms of Norway and Scotland neither engaged in, nor openly endorsed, military conflict between their respective constituencies. Instead of continual conflict, there is ample evidence that paints a more peaceful portrait, one in which kings persistently encouraged the resolution of conflict and the resumption of regular, nonviolent interaction in the wake of incidental controversy.

If such evidence confounds the main line of thinking about Europe's medieval frontiers, it finds resonance in another, less appreciated strand. The notion that frontiers could be conducive to peace was recognized by intellectuals as early as the mid-nineteenth century. In his work on *Deutsche Grenzalterthümer* (1843), Jacob Grimm suggested that the border should 'not be treated merely as a dividing, but rather also as a unifying principle from which, in addition to the necessary separation, a bond of contiguity and community unfolds'.¹¹³ Indeed, while scholarship continues to focus heavily on frontier militarization, some medievalists have shown that 'devices of arbitration,

expansion to territorial consolidation, an effort that encouraged that monarch to reach an understand with his neighbours (ibid., 16). The border, he claims, was designed to secure the crown's interest in the region and placate competition with the Scottish king (ibid.).

112 Grohse 2013; idem 2014b.

113 Jacob Grimm, *Deutsche Grenzalterthümer* (1843), in Jacob Grimm, *Kleine Schriften*, vol. 2, Berlin 1865, 31: 'nicht blosz als trennendes, sondern zugleich als einigendes princip behandelt werden, aus welchen neben der nothwendigen scheide ein band der nachbarschaft und gemeinschaft sich entfalte'.

negotiation, trade and other peaceful dealing equally characterize frontier life'.¹¹⁴ As zones of convergence and hybridity, frontiers often developed distinctive social and cultural customs and civic-administrative structures that differed markedly from core territories.¹¹⁵

The capacity of Norwegian and Scottish rulers to protect their interests and those of their subjects while tending the most important terms of peace set down in 1266, namely those of cooperation and amiability between the kingdoms and subjects, indicates that rulers were neither excessively prone to rivalry nor too inept to enforce their authority at the margins of their realms. Assuming that kings did, in fact, have some oversight and control in frontier affairs, we must reconsider the possibly embryotic nature of political thought in the thirteenth century. As suggested above, the terms laid down in 1266 indicate that rulers were conscious of territorial sovereignty and capable of spatially delineating lordship. While it is true that they lacked the resources to quarter off and routinely police that border, this was not necessarily a shortcoming, or a frustration of their political aims. As is illustrated in various supranational unions of the modern era, states can opt to delineate jurisdictional borders while advancing a policy of relatively free movement, even when there are resources available to prevent that movement.¹¹⁶

Without attempting to draw parallels with modern examples, it is nevertheless argued here that Norwegian and Scottish policy makers worked toward alliance and the relative liberal movement across their common frontier in the late Middle Ages. Itinerancy had the potential, at least, to facilitate diplomacy, strengthen commercial relationships, and reduce the likelihood of

114 Berend 1999, 61. Cf. Jaspert 2007, 56–57. Generally, also Bartlett 1994.

115 Michael Kulikowski reminds us that although the 'the frontier is a place of polarities', the proximity of frontier groups compels their interaction and, in time, could foster a society of exchange where different groups share features that 'make them more like one another than they are like their own societies away from the frontier' (Michael Kulikowski, "Ethnicity, Rulership, and Early Medieval Frontiers", in Florin Curta (ed.), *Borders, Barriers, and Ethnogenesis. Frontiers in Late Antiquity and the Middle Ages*, Turnhout 2005, 248–49).

116 Although currently on the razor edge of public debate, the principle of free-movement in supranational unions, including in the European Union, is predicated upon the ideal that the dissolution of internal borders can facilitate the economic prosperity of member states and, secondly, diminish the threat of inter-state conflict. See e.g. Dorte Jagetic Andersen, Martin Klatt and Marie Sandberg (eds.), *The Border Multiple. The Practicing of Borders between Public Policy and Everyday Life in Re-scaling Europe*, Farnham 2012. The viability, profitability and ethical value of such arrangements is, however, the subject of considerable debate. See e.g. Andreas Cassee and Anna Goppel (eds.), *Migration und Ethik*, Münster 2012.

disagreements and wars. The following also posits a correlation between interstate policy-making at the highest diplomatic levels between kings, and social stability at the grassroots level within the frontier communities. In order to do so, we have to abandon our preoccupation with conflict, and direct our attention toward the successes of peace, even in the face of controversy. Like all intimate relationships, that between Norway and Scotland was bound to be punctuated by incidents of controversy. Yet such controversies were not in and of themselves problematic, as they could serve to address the needs of rulers and their subjects along the frontier. The manner in which the controversies were tackled were far more indicative of the viability of that relationship and the sustainability of a common frontier for peace.

Old Documents and New Readings. Sources and Approaches

The available body of sources pertaining to late medieval Orkney could at first appear frustratingly skeletal. In his *A History of Orkney*, J. Storer Clouston refers to the thirteenth and fourteenth centuries as a 'dark period' and comments that 'coming from the 12th century to the 13th is like the plunge of a train into a tunnel'.¹¹⁷ No longer irradiated by the 'picturesque narratives' offered by the outgoing saga literature, particularly the effusive *Orkneyinga saga* covering events in the isles up to the early thirteenth century, the later Middle Ages can only be reconstructed with help of diplomatic material, much of which is cursory and spread unevenly across the time period.¹¹⁸

¹¹⁷ Clouston 1932, 215. Clouston devotes over 200 pages of his *History of Orkney* to the period up to the thirteenth century, and less than 70 to the so-called 'Dark Period' between the thirteenth and fifteenth centuries.

¹¹⁸ The richness of the sagas covering events up to the mid-thirteenth century may account for the disproportionate scholarly interest in the history of the isles in the early and central Middle Ages. *Orkneyinga saga*, a collection of Icelandic works concerning the people of Orkney up to the early thirteenth century, provides the most thorough history of the isles (*Os*). It is derived from the now lost version known as *Jarla sqgur* (Jarls' saga), recounting the deeds of Orkney's earls. For the most recent and thorough overview of the narrative material see Crawford 2013, 39–50; see also Thomson 2008, 24–39; Judith Jesch, "England and Orkneyinga Saga", in Colleen Batey, Judith Jesch and Christopher Morris (eds.), *The Viking Age in Caithness, Orkney and the North Atlantic. Proceedings of the Eleventh Viking Congress*, Edinburgh 1993, 223–39; idem, "Orkneyinga Saga: A Work in Progress?", in Judy Quinn and Emily Lethbridge (eds.), *Creating the Medieval Saga. Versions, Variability and Editorial Interpretations of Old Norse Literature*, Odense 2010, 151–73; Michael Chesnutt, "Orkneyinga saga", in Phillip Pulsiano (ed.), *Medieval Scandinavia*.

The paucity of material is certainly challenging, but this study takes a more optimistic approach, emphasizing the value rather than the quantity of the sources. Indeed, there are fewer documents from the Northern Isles from the later Middle Ages than from any period that followed, and it is true that those available are generally less colourful than the vibrant stories of the earlier sagas. But the dominance of diplomas, most of which are contemporary or near-contemporary records, increases confidence in the accuracy and validity of the material.¹¹⁹ In general, one can rely on these records to portray events truthfully, or, at least, to give direct insight into the perceptions of contemporary observers rather than those of later historians and political propagandists.¹²⁰ Diplomas as source material also have the advantage of providing more detailed and specific information than saga accounts. Despite the literary richness of the sagas, the frequent absence of dates, names, and detail present significant methodological difficulties for the historian. In most cases, diplomas provide a comparative wealth of such specifics, including the day and place of their issue, individual names of the principal parties, and, frequently, a list of the witnesses involved in the recorded proceedings. These documents, which form the core body of sources for investigation, can be classified as either normative or non-normative.

Normative diplomas comprise diplomatic treaties between Norwegian and Scottish kings, as well as legislation and charters produced under the auspices of the Norwegian crown. Such documents provide insights into the agendas

An Encyclopedia, London 1993, 456–57; Ian Beuermann, “Jarla Sögur Orkneyja: Status and Power of the Earls of Orkney According to Their Sagas”, in Gro Steinsland, Jón Viðar Sigurðsson and Ian Beuermann (eds.), *Ideology and Power in the Viking and Middle Ages. Scandinavia, Iceland, Ireland, Orkney and the Faeroes*, Leiden 2011, 109–62.

119 Wærdahl 2011, 27.

120 Sagas, particularly the historical sagas composed decades and centuries after the time of the events reported, are decidedly more problematic. Historians have long debated their historical veracity and scope of application. The discussion is too protracted to address here, particularly as narrative sources are of lesser importance for this study. However, central issues are addressed in e.g. the works of, and debates between, Sverre Bagge and Birgit Sawyer: Sverre Bagge, *Society and Politics in Snorri Sturluson's Heimskringla*, Berkeley 1991; Birgit Sawyer, “Samhallsbeskrivningen i Heimskringla”, *Historisk Tidsskrift* 72, 1993, 223–37; Sverre Bagge, “Samfunnsbeskrivelsen i Heimskringla. Svar til Birgit Sawyer”, *Historisk tidsskrift* 2 (1994): 205–15; Sverre Bagge, “Mellom kildekritikk og historisk antropologi: Olav den Hellige, aristokratiet og rikssamlingen”, *Historisk Tidsskrift* 2–3, 2002, 173–212; Birgit Sawyer, “Sverre Bagge om ‘wie es eigentlich gewesen’: Snorres skildring av Olav Haraldsson och hans samtid”, *Historisk Tidsskrift* 82, 2003, 191–98; Sverre Bagge, “Snorre og Wie es eigentlich gewesen. Svar til Birgit Sawyer”, *Historisk tidsskrift* 82, 2003, 285–96.

and prospective policies advanced by kings and their subjects, and are vital for developing a picture of contemporary ideals for political organization. The most important of these, the Treaty of Perth, which was renewed in 1312 (in Inverness) and 1426 (in Bergen), represents a sort of constitution for the Norwegian-Scottish frontier insofar as it established standards for diplomatic interaction between kings, as well as basic principles for peaceful trans-border interactions at a grassroots level.¹²¹ At the other end of the chronological spectrum, documents pertaining to the pledging of the isles to the Scottish crown in 1468 shed light on contemporary perceptions of lordship, dominion and the rights pertaining thereto along the frontier.¹²²

Social and political organization within Orkney was regarded as a domestic matter, and can be appreciated through examination of individual installation charters issued to earls and other governmental agents upon assuming public office in the isles. Charters of this type shed light on how Norway's rulers envisioned public life along the frontier and, when viewed against the backdrop of the Treaty of Perth, allow us to test the degree to which they actually organized life in accordance with their pledges of cooperation and peace with Scotland. While most of the installation charters for earls and other officials have not survived, there are several revealing examples at our disposal, most of which can be found in the original Norse or Latin in *Diplomatarium Norvegicum* or in English translation in Clouston's *Records of the Earldom of Orkney*.¹²³ These include, but are not limited to, the charters issued at the appointment of Alexander de Ard, royal governor of Orkney, in 1375; Henry Sinclair, earl of Orkney, in 1379; Bishop Thomas Tulloch, royal governor of Orkney, in 1420; David Menzies of Weem, royal administrator of the Orkney earldom, in 1423; William Sinclair, earl of Orkney, in 1434; and Bishop William Tulloch, royal governor of Orkney

121 *DN* 8, no. 9 (1266); *DN* 19, no. 482 (1312); *DN* 8, no. 276 (1426).

122 Pledged by King Christian I as securities against the dowry due to King James III of Scotland for his marriage to the Dano-Norwegian king's daughter, Margaret, the isles were still clearly regarded as being within the legal domain of the Norwegian crown. However, analyses of those sources has also raised questions as to the extent of the Norwegian crown's ownership of, or rights to, revenues from various private estates, including many attached to the earldom. See e.g. *Charters and other Records of the City and Royal Burgh of Kirkwall*, ed. John Mooney, Kirkwall 1952, 96–118; Crawford 1969; idem 1983; Hørby 1969; Thomson 2008, 200–01.

123 *DN*; *REO*. Clouston's translations, though generally sound, are not always in keeping with the content of the original and at times can be crucially misleading. Unless otherwise noted, translations in the present book are the author's own. Summaries of many of these documents are also found in *Regesta Norvegica* [*RN*], 8 vols., ed. Gustav Storm et al., Oslo 1989–2006.

in 1461.¹²⁴ Each of these charters contains a mixture of precedential and innovative conditions, and show the degree to which kings maintained or altered their strategies for governing the frontier communities.

Further evidence for the idealized form of frontier organization can be gleaned from Norway's consolidated legislation in the late thirteenth century, which is believed to have been received in the Northern Isles sometime around 1300.¹²⁵ Among these tracts, the *Hirðskrá*, the law of the Norwegian royal retinue, offers an elaborate portrait of a late medieval Norse earldom, an institution under which Orkney was governed throughout the period in focus.¹²⁶ Nineteenth-century scholars tended to view the creation and expansion of common legislation in the late thirteenth and early fourteenth centuries as proof of the Norwegian crown's and state's vitality, although, as Wærdahl has pointed out, normative sources reflect the crown's aims for governance, rather than its realities.¹²⁷

A more balanced approach is to use normative sources as the plate above which we digest other, non-normative documents, including letters of witness, property charters, testaments, decrees of court, public complaints, and non-dispositive royal letters.¹²⁸ Most of the relevant diplomas were composed in the Northern Isles or in Norway, with an additional number coming from Scotland. Although few of the Scottish diplomas pertain specifically to the

124 *DN* 2, nos. 437, 438 (1375); *ibid.*, no. 459 (1379); *ibid.*, no. 647 (1418); *ibid.*, nos. 657, 670 (1420/22); *ibid.*, 676 (1423); *NgL* 2.1, no. 74 (1434); *DN* 5, no. 845 (1461).

125 Legislative and other normative sources are published in *Norges gamle Love indtil 1387*, 4 vols. [*NgL* 1], eds. Rudolf Keyser et al. Christiania 1846–1895.

126 *Hirðskrá*. *Hirdloven til Norges konge og hans håndgangne menn. Etter AM 322 fol.* [*Hsk*], ed. Steinar Imsen, Oslo 2000.

127 Wærdahl 2011, 27.

128 By far the most relevant sources for this investigation are found in the volumes of *Diplomatarium Norvegicum* and *Regesta Norvegica*. A number of translated and edited collections provide additional commentary on the provenance and interpretation of several documents. Documents dealing with Orkney, Shetland, and other Norse communities are included in *Record of the Earldom of Orkney* [*REO*]; *Shetland Documents* [*SD*] and the second series of *Norges gamle Love* [*NgL* 2]. Later edited collections from Denmark also contain several sources pertaining to Danish/Norwegian-Scottish foreign relations in the fifteenth century, e.g. *Diplomatarium Christierni Primi. Samling af aktsykker, diplomer og breve henhörende til Kong Christiern den Förstes Historie* [*Diplomatarium Christierni*], ed. Hans Knudsen, Copenhagen 1856; *Scriptores Rerum Danicarum Medii Aevi*, vol. 8 [*SRD*], ed. Jacobus Langebek. Copenhagen 1772; *Historiske Beskriffuelse om huis sig haffuer til-draget under den stormectigste Første oc Her Christiern den Første* [*HB*], Arild Huitfeldt, Copenhagen 1599; *Orcades seu rerum Orcadensium historiae* [*Historiæ Orcadensis*], Tormod Torfæus, Copenhagen 1715.

Northern Isles, they shed light on the dealings of certain constituents in Scotland, particularly the earls and bishops.¹²⁹ Despite Clouston's description of these sources as 'a bald recital of facts', they are not all so uninspired. Some of the more famous documents, such as the settlement between Orkney's governor and bishop, arbitrated by the commons, from 1369, and the so-called *Complaint of the People of Orkney* (referred to henceforth as the *Complaint*) from ca. 1425, are provocative and have been the subject of considerable investigation.¹³⁰ Other lesser-known documents, such as two reports of amphibious raids on the frontier by Highlanders and Islanders in and around 1461, are remarkably explicit and may reflect a specific agenda by the islanders who composed them.¹³¹ Most of the documents used for this investigation have already been accounted for in previous studies. One source, however, has only recently come to light: a deed from 1416, in which Henry II Sinclair, earl of Orkney, commissions his brother-in-law, David Menzies of Weem, to act as tutor testamentary over his heir, William Sinclair.¹³² A recent analysis by the present author underscores the significance of this document, which was long thought lost, in trying to trace the origins of Menzies' conflict with the native Orcadians in the early 1420s.¹³³

Although diplomatic sources provide the material core of the investigation, they do not account for all developments in the isles, and are in fact silent on a number of seemingly pivotal events. Contemporary and later narrative accounts, most of which are regrettably brief, shed some light on otherwise unreported developments. While the Norse saga tradition gradually drew to a close around the start of the period in focus in the late thirteenth century, information on the conflict and negotiation leading up to the Norwegian-Scottish armistice

129 Sources are found in, among others, *Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland*, vol. 1 [RMS], ed. John M. Thomson, Edinburgh 1882; *The Acts of the Parliaments of Scotland*, vol. 1 [APS], eds. Cosmo Innes et al., Edinburgh 1814; *Rotuli Scaccarii Regum Scotorum. The Exchequer Rolls of Scotland*, vol. 1 [ER], eds. John Stuart et al., Edinburgh 1878–1908; *Registrum Episcopatus Aberdonensis. Ecclesie Cathedralis Aberdonensis Regesta Que Extant in Unum Collecta*, vol. 1 [REA], ed. Cosmo Innes, Edinburgh 1845.

130 DN 2, no. 697. See also e.g. Clouston 1932, 239–50; Thomson 2008, 172–80; Imsen 2012; Grohse 2014b.

131 DN 5, nos. 827, 836.

132 Edward J. Cowan, "The Campbell of Monzie Papers", in *Collection Update 7*, Guelph 1983; *Campbel of Monzie Papers [Monzie Papers]*, Archival Collections, University of Guelph Library.

133 Ian P. Grohse, "Tutor Testamentary – A Case of Guardianship in Late Norse Orkney", *Historisk tidsskrift* 93, 2014[a], 217–41.

in 1266 can be gleaned from two so-called ‘contemporary sagas’, *Hákonar saga Hákonarsonar* and the surviving fragments of *Magnúss saga lagabætis*, while several major events in the isles in the fourteenth and fifteenth centuries are noted in the *Icelandic Annals*.¹³⁴ From Scotland, Holinshed’s *Chronicle*, John of Fordun’s *Chronica Gentis Scotorum*, Walter Bower’s *Scotichronicon* and Hugh MacDonald’s *History of the MacDonalds*, among others, fill in further details about events in the fourteenth and fifteenth centuries, and help develop a picture of society across the border in Scotland.¹³⁵ The most valuable narrative document from the late medieval frontier is the so-called *Diploma of the Succession of the Earldom of Orkney* known simply and more appropriately as the *Genealogy*.¹³⁶ Although hardly as elaborate as the earlier saga narratives, the *Genealogy* is a history of the earldom, which outlines the pattern of succession to the title and includes anecdotes about some of the most pivotal events in the history of the isles up to its time of writing in the 1420s.¹³⁷ Compiled as a joint effort between the local bishop and other leading members of the community, the *Genealogy* is in many respects an expression of the country’s collective memory of the earldom’s past and its shared expectations about how, and by whom, it should be governed.¹³⁸

134 *HsH* 2; *Hákonar saga hákonarsonar* 1: *Saga Hakonar Hakonarsonar til falls Skula Hertog* [*HsH* 1], in *Fornmanna sögur. Eptir gömlum handritum*, vol. 9, Copenhagen 1835; *MsL*; *Íslandsk annaler indtil 1578* [*IA*], ed. Gustav Storm, Christiania 1888. For source critique of *Hákonar saga* see e.g. Ólafía Einarsdóttir, “Om Samtidssagaens kildeværði belyst med *Hákonar saga Hákonarsonar*”, in *Samtíðarsögur II. Forprent, Níunda alþjóðlega fornsagnabíðið*, Akureyri 31.7-6.8.1994, Reykjavík 1994, 638–53; Orning 2008, 228–31; Brégaint 2015, 28–29. Also relevant for studying the conceptualization of the realm and the frontier in the central Middle Ages is *Historia Norwegie* [*HN*], ed. Lars B. Mortensen and Inger Ekrem, Copenhagen 2006.

135 *Chronica Gentis Scotorum*, *Johannes de Fordun*, vol. 1, ed. William Skene, Edinburgh 1871; *Scotichronicon*, *Walter Bower in Latin and English*, vol. 1., ed. John MacQueen and Winifred MacQueen, Edinburgh 1987; *Historia Majoris Britanniae, tam Angliae quam Scotiae. Ioanné Maiorem*, Paris 1521; *The Orygynale Cronykil of Scotland, Androw of Wyntoun*, vol. 3, ed. David Laing, Edinburgh 1872–79; *History of the MacDonalds* [*Hist*], in *Highland Papers*, vol. 1, Edinburgh 1914.

136 *DN* 20, no. 833.

137 Crawford has devoted attention to the provenance and function of the *Genealogy* in e.g. Barbara E. Crawford, “The Fifteenth-century ‘Genealogy of the Earls of Orkney’ and its Reflection of the Contemporary Political and Cultural Situation in the Earldom”, *Medieval Scandinavia* 10, 1976, 156–78; Crawford 2013, 156–58.

138 Crawford dates the original composition to the 1420s, when it was drawn up by Bishop Thomas Tulloch, the chapter, and other members of the community in Kirkwall in an effort to substantiate the claims of William Sinclair as heir to the earldom of Orkney

Finally, scholars have proven the value of using later sources from the late fifteenth, sixteenth, and seventeenth centuries to explain otherwise unrecorded features of frontier society during the late Norse period. This retrospective approach has long been favoured by Orkney and Shetland scholars. Clouston applied the approach with great enthusiasm to support theories about land-holding, township organization, taxation, and the social status and mobility far back into Orkney's past.¹³⁹ In addition to illustrating the conservation and continuity of ancient characteristics into the early modern era, later sources also cast light on significant socio-economic changes in the late medieval period. Using cadastral 'rentals' from 1492 and 1500, Thomson retraced an agricultural depression and the massive transfer of land under the private ownership of the Sinclair earls in the fifteenth century.¹⁴⁰ Given the scarcity of contemporary sources, these retrospective insights are crucial for understanding the actions of individuals that are otherwise difficult to rationalize.

Merely revisiting these sources, the majority of which have been scoured by historians for centuries, would not be conducive to this book's central aim, namely to reverse our understanding of the late medieval frontier. In order to garner a new appreciation, this work differentiates between the macro-level policies of Norwegian and Scottish rulers and micro-level developments manifest within the communities of Orkney and Shetland. Previous survey studies, including Clouston's *History of Orkney*, Thomson's *New History of Orkney*, and Crawford's *The Northern Earldoms*, all address themes in chronological order. Because they cover a much longer duration, beginning with or even before the Viking Age, they also tend to view the history of the frontier as a linear development and support the coherent narrative of national competition, culminating with Norway's final loss of the isles in 1468/69. As this book argues, the legacy of competition did not necessarily determine the nature of frontier developments in the later period, which themselves can be more neutrally analysed when taken out of the protracted historical timeline.

(Crawford 2013, 63). A Scots translation, dated 1554, was commissioned by William Sinclair's grandson and is, together with the Latin version, printed in the *Miscellany of the Bannatyne Club*, vol. 3, Edinburgh 1855, 65–85.

139 The genealogical element is present in most of Clouston's studies. See e.g. J. Storer Clouston, "The Odal Families of Orkney", *Old Lore Miscellany* 1, 1907, 27–32; idem, "The Lawrightmen of Orkney", *Scottish Historical Review* 17, 1917, 9–59; idem, "The Goodmen and Hirdmen of Orkney", *Proceedings of the Orkney Antiquarian Society* 3, 1924/25, 9–19.

140 William P.L. Thomson, "Fifteenth Century Depression in Orkney: The Evidence of Lord Henry Sinclair's Rentals", in Barbara E. Crawford (ed.), *Essays in Shetland History. Heiðursrit to T.M.Y. Manson*, Lerwick 1984, 125–41; idem, *Lord Henry Sinclair's 1492 Rental of Orkney*, Kirkwall 1996.

Greater differentiation between macro- and micro-level developments has several advantages. First, it accounts for disparities between royal and local agendas. It is reasonable to question whether the policies advanced by Norwegian and Scottish monarchs, none of whom personally visited the isles in the late Middle Ages, were adapted to the conditions of the frontier or bespoke the interests of those living there.¹⁴¹ Normative sources will be particularly helpful in shedding light on royal outlooks for frontier organization, although it should not be assumed that islanders ascribed to those ideals in practice. Examining macro-level schemes for frontier organization, our focus will be on monarchs' efforts to facilitate mobility and diplomacy, to employ officials willing to execute their strategies, and to negotiate with one another for the continuation of the alliance established in 1266. Greater differentiation of macro- and micro-level developments can facilitate a more unadulterated appraisal of how frontier communities responded to the policies handed down by Norway's kings and the propositions put forth by their counterparts in Scotland. After determining the ideals and strategies of kings, it becomes easier to test how society developed within that normative framework. Of particular interest is the degree of intersection between local and royal interests, and the extent to which communal leaders within the frontier community adhered to the policies of the Norwegian king in orchestrating their interactions with their neighbours in Scotland. A focused analysis of grassroots developments positions us to address the previous scholarly debates about the decline or durability of Norwegian authority in the hearts and minds of the frontier community. Thus, the question is not how thoroughly Norway dominated the frontier, but rather how relevant Norwegian policies were for local communities in the late Middle Ages.

In order to better grasp local developments, we must locate some of the modalities of social and political identity and examine how these figured in the agendas of the Orkney community. As noted above, sources suggest that identities cannot be understood in terms of national polarities, but rather in terms of overlapping local and trans-national allegiances of varying degrees. Sociologist Fredrik Barth emphasized the flexibility of identity boundaries in the context of different social arenas, arguing that identity was borne of interaction rather

141 It has been suggested, however, that Robert Bruce, or King Robert I, sought refuge in Orkney after his defeat at the Battle of Methven in 1306 (Ewan W. Barron, "Robert the Bruce in Orkney, Caithness and Sutherland", *Old Lore Miscellany* 2, 1909, 90–94), although Geoffrey Barrow believes the Bruce fled to the Hebrides (Geoffrey Barrow, *Robert Bruce and the Community of the Realm of Scotland*, Edinburgh 2005, 215–20; cf. Crawford 2013, 311, note 119).

than of static characteristics.¹⁴² This idea is particularly relevant in studying the integration, or as Thomson calls it, the 'Orknification' of foreign immigrants in the Norwegian island community. Expanding on his basic theory on the dynamism of identity, Barth later proposed that identity develops, and can be identified on three general levels: first, on the micro level, via interpersonal interaction; second, on the median, within groups and corporations; and third, on the macro level, with respect to states.¹⁴³ Justyna Wubs-Mrozewicz has successfully employed this theory in her study of German merchants settlers in late medieval Stockholm, showing that the newcomers were tied to the town, but also to their families, their trading companies and the Swedish state.¹⁴⁴ In addressing matters of loyalty along the Norwegian-Scottish frontier, the same model can help us rationalize the actions, particularly the political actions, of individuals and groups in the diverse and dynamic social arena of Orkney.

Many of the themes addressed in this work have been thoroughly examined in Crawford's survey *The Northern Earldoms*. There, late medieval Orkney is studied within a longer and spatially broader history of interaction between Norse and Scottish communities, particularly in the north, where Orkney and Caithness in Northern Scotland are portrayed as forming a common geographic, social and political sphere between the eighth and fifteenth centuries. Without challenging this approach, the present work's comparatively narrow geographic and chronological focus aims to show more specifically how social and cultural contact influenced Orkney's development after its inclusion within a well-defined jurisdictional space under Norwegian authority in the late thirteenth century. In doing so, we may better appreciate how the isles' political affiliations were affected by contact with communities within a distinctly foreign jurisdiction.

The present work also differs thematically. In contrast to Crawford's study, which emphasizes the role of Orkney's earls in shaping the late medieval frontier, the following discussions attribute less social and political influence to those magnates. Although Crawford duly addresses other individuals and groups, including monarchs, clerics, royal officials and peasants, political

142 Barth 1969. Barth reiterates that 'individuals and small groups, because of specific economic and political circumstances in their former position and among the assimilating group, may change their locality, their subsistence pattern, their political allegiance and form, or their household membership' (ibid., 24).

143 Idem, "Enduring and Emerging Issues in the Analysis of Ethnicity", in Hans Vermeulen and Cora Govers (eds.), *Anthropology of Ethnicity. Beyond 'Ethnic Groups and Boundaries'*, Amsterdam 1994, 21.

144 Justyna Wubs-Mrozewicz, "Interplay of Identities: German Settlers in Late Medieval Stockholm", *Scandinavian Journal of History* 29, 2004, 53–67.

developments in Orkney are evaluated either against or in concert with the strategies of the earls. Building upon previous research by Imsen and Wærdahl, both of whom deemphasize the role of earls as political engineers in the late Middle Ages, the present work devotes equal attention to the role of monarchs, clerics, royal officials and peasants in shaping public life in the isles. Despite these differences, the present work is in many respects reliant on the analyses laid out in Crawford's study, and thus cannot be read in isolation. Not only does *The Northern Earldoms* offer a broader historical overview of the region than is possible here, it also serves as the basis upon which the present work develops many of its alternative interpretations.

Peace and Mobility

In November 1358, King David II issued a letter to his civic officials and tenants in northern Scotland in which he clarified the restrictions for mobility along that kingdom's frontier with Norway.¹ Addressed specifically to his sheriff and baillies in Inverness, the local tenants, and the 'coroner of Caithness' (*coronatori Katanie*), the notice explained that 'no one, under any condition, shall enter the lands or ports of Orkney for any reason except for the purposes of pilgrimage, the exercise of trade or other peaceful and just business'.² At first glance, the letter might appear as evidence for Scotland's worsening relations with Norway and the general hostility between communities along their common frontier. Upon closer examination of its context and content, however, we can recognize the letter as an instrument of diplomacy aimed at fostering the alliance and peace first established in 1266. Issued just one year after a powerful Scot threatened to seize revenues and subjugate the islanders, David II's letter was most likely prompted by requests from Norway's kings, Magnus VII and Hákon VI, who expected their Scottish ally to assist them in ensuring their rights and the safety of their island subjects. Moreover, what might appear to be new constraints on trans-jurisdictional travel were, in reality, restatements of the principles that had underpinned the Norwegian-Scottish peace of 1266. By allowing Scots to come to the isles for any 'peaceful and just business', the rulers of Norway and Scotland tightened their grip on inter-jurisdictional crime, while facilitating the movement of law-abiding subjects between their realms.

The Norwegian-Scottish frontier was shaped by movements; movements of individuals, of groups, of ideas. Like most pre-modern borders, the jurisdictional divide between Norwegian and Scottish domains never materialized into a tangible barrier. The failure of medieval rulers to regulate mobility at the margins of their realms, particularly along frontiers with neighbours, is commonly viewed as evidence for the practical immateriality of their claims

1 DN 3, no. 358. The only surviving record of the letter comes from a copy, composed 19 April, 1426, for the Dano-Norwegian archives (*ibid.*, 684), suggesting that in addition to the main address to the inhabitants of northern Scotland, David II also dispatched a copy to officials in Orkney or Norway (Crawford 2013, 322).

2 DN 3, no. 358: '*ne quis cuiuscumque conditionis existat terras aut portus Orkadie modis aliquibus intrare presumat nisi causa peregrinationis aut exercendi mercimonii, vel in aliis negotiis pacificis atque iustis atque iustis*'. The 'coroner' was a regional judicial office passed on hereditarily (Crawford 2013, 322, note 157).

to territorial lordship.³ The suitability of that theory, however, comes into question when focusing on the Norwegian and Scottish king's repeated endorsements of mobility between their realms, particularly in the frontier land of Orkney. Previous research has not fully appreciated the significance of inter-jurisdictional movement for the constitution and continuation of the Norwegian-Scottish alliance. In assessing Scottish immigration to Orkney in the late medieval period, historians have suggested that Norway's weakness in the isles or its neglect of them facilitated the influx of Scottish individuals and groups who attenuated the Norse element, destabilized public life and introduced customs that drew the isles away from Norway and toward Scotland.

The validity of that view can be tested on both subnational and international levels. Later in this work, we will examine how immigration affected the character and outlooks of the Orcadian population in an effort to test whether islanders truly disengaged themselves from Norway as a result of Scottish influences at the grassroots level. As Raingard Esser and Steven G. Ellis have argued, however, 'transnational and cross-border contacts cannot be sufficiently understood without reference to their wider national contexts'.⁴ Thus, to begin, we must first address the strategies of Norway's and Scotland's rulers and central state officials for creating a political framework for the frontier. From the outset, we must recognize that Orkney's inclusion in the Norwegian realm was a consequence of diplomacy between distinct national states. By the same token, its maintenance within, and eventual transfer from, the realm in subsequent centuries was also dictated in large part by international relations. While the aims of these high-level officials did not necessarily intersect the interests of the local inhabitants, they do shed light on the role of states in bringing together and resolving conflicts between their neighbouring subjects.

1.1 Insularity and Access

There was no point during the period in focus at which the Norwegian crown attempted to implement tangible, durable immigration or border-control

3 The concept of territoriality in the political organization of Europe is perhaps best observed in the context of medieval Germany, where practical and theoretical complexities of territorial lordship, or 'Landesherrschaft', challenged the emergence of consolidated territorial states. See e.g. Karl S. Bader, "Herrschaft und Staat im deutschen Mittelalter", *Historisches Jahrbuch* 62/64, 1949, 618–46; Benjamin Arnold, *Princes and Territories in Medieval Germany*, Cambridge 2004; Ernst Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter*, Berlin 2006.

4 Raingard Esser and Steven G. Ellis, "Introduction. Border Regions in Early Modern Europe", in *idem* (eds.), *Frontier and Border Regions in Early Modern Europe*, Hannover 2013, 8.

mechanisms in Orkney. Despite demanding the vigilance of local leaders, who were charged with organizing the defence of the isles against foreign invasions, kings expressed few concerns about the peaceful entry and immigration of people to the isles from Scotland. If it is true, as historians have argued, that the arrival of Scots and the resulting gravitation of island society toward Scotland represented a systemic quandary for Norwegian power in the region, why were so few efforts made to eradicate Scottish elements or to inhibit their introduction to the isles?

One might argue that effective border controls would have been unprecedented in medieval Europe. Indeed, apart from diplomats and other travelers enjoying exclusive privileges from regional lords, there was no universally accepted convention for documenting the identity or civic affiliation of the wider citizenry of medieval Europe.⁵ On a large scale, across vast regions and kingdoms, it was impractical and difficult for rulers to account fully for foreigners and to segregate locals from them.⁶ But on a local level, monitoring and controlling the movement of people may not have been so challenging. Even the largest of European towns were relatively small arenas by today's standards, and were often clearly demarcated by physical palisades and entry points.⁷ Thus, outsiders, be they from the surrounding countryside or a distant

5 An institutional arrangement for 'safe-conduct' can be viewed as an antecedent to the international institution of passports. Official documents assuring the safe passage of individuals and groups have existed since Antiquity, and were particularly useful for merchants from the twelfth-century onwards. See generally e.g. Christiane De Craecker-Dussart, "L'Evolution du sauf-conduit dans les principautés de la Basse-Lotharingie du VIIe au XIVe siècle", *Le Moyen Age* 80, 1970, 185–243; Gebhard Weig, *Das ius conducendi der Bischöfe zu Würzburg. Eine Studie zur Rechtsstruktur, politischen Funktion und Organisation des Geleitsrechtes im Hochstift Würzburg während des 15. und 16. Jahrhunderts*, Würzburg 1970; Keechang Kim, *Aliens in Medieval Law: The Origins of Modern Citizenship*, Cambridge 2011, 25–31. Issued on case-by-case bases, documents of safe-conduct placed travelers in the 'custody and protection' (*custodia et protectione*) of individual rulers.

6 The late medieval and early modern border between England and Scotland was marked by such porosity that historians such as Newton have observed that 'the borders were more apparent than real and only recognised by the native borderers when it suited them' (Diana Newton, *North-East England, 1569–1625. Governance, Culture and Identity*, Woodbridge, 2006, 83). For the Anglo-Scottish frontier in the early modern period see also Maureen M. Meikle, *A British Frontier? Lairds and Gentlemen in the Eastern Borders, 1540–1603*, East Linton, 2004, 4–5, 266–70, 279–90; Anna Groundwater, "Renewing the Anglo-Scottish Frontier: Reassessing Early Modern Frontier Societies", in Raingard Esser and Steven G. Ellis (eds.), *Frontier and Border Regions in Early Modern Europe*, Hannover 2013, 19–38.

7 For perspective, the largest town within the realm of Norway, Bergen, had a total population of roughly 10,000 inhabitants between the fourteenth and sixteenth centuries, with a resident population of German Hanseatic merchants that is estimated at roughly 1,000

land, could be more readily identified and, if needed or desired, segregated from the local population of burghers.⁸ Although less effective, kings could also better monitor open country through the erection of fortresses and militarized outposts at key locations along well-travelled routes, providing physical checkpoints for would-be entrants.⁹

While these types of controls could have been pursued by Norwegian kings and their representatives in the isles, they were not. The community of Orkney was of a modest size, even by medieval standards, and it is improbable that newcomers could have entered or established themselves unnoticed. Yet Norway's kings never called upon the islanders to act with sanctions against outsiders as a matter of course. By the same token, Norway's rulers could have gone the way of many European counterparts by building castles in or around political nexuses in the isles. Instead, island leaders were prohibited from erecting fortresses or other military edifices without the express consent of the king, a consent that was never given.¹⁰ Although historians have recognized

(in winter) and 3,000 (in summer) and a much smaller population of several dozen Hollanders (Justyna Wubs-Mrozewicz, *Traders, Ties and Tensions: The Interactions of Lübeckers, Overijsslers and Hollanders in Late Medieval Bergen*, Hilversum 2008, 106, 123). On Bergen's population, see also Knut Helle, *Bergen bys historie, vol. 1: Kongssete og kjøpstad. Fra opphavet til 1535*, Bergen 1982, 487–93; Arnved Nedkvitne, *Utenrikshandelen fra det vestafjellske Norge*, unpublished PhD dissertation, Universitet i Bergen, Bergen 1983, 252–58. Trondheim and Oslo each had roughly 3,000 inhabitants (Moseng et al. 1999, 239). Although there are no fair demographic estimates for Orkney's only town, Kirkwall, we can be certain that it was comparatively miniscule.

- 8 Although essential for the survival and growth of European towns in the Middle Ages, officials often tried to regulate foreign migration through segregated districting. The prime example from the Norse world is Bergen, where the activities of German merchants were heavily restricted under the statutes and tenement rules of the Hanseatic *Kontor* and the urban laws and town ordinances of Norwegian kings and magistrates. Geographically isolated along the main kai, in the so-called Brygge, these merchants were theoretically segregated from the local population as a means of protecting local mercantile and craft industries and preserving the integrity of the German company. See Wubs-Mrozewicz 2008; idem, "Hansards and the 'Other'. Perceptions and Strategies in Late Medieval Bergen", in Justyna Wubs-Mrozewicz and Stuart Jenks (eds.), *The Hanse in Medieval and Early Modern Europe*, Leiden 2013, 149–79.
- 9 The role of fortification in the regulation of travel can be seen in the construction projects of King Edward I, whose castles and adjoining roadworks reshaped travel in medieval England (Michael Prestwich, "The Royal Itinerary and Roads in England under Edward I", in Valerie Allen and Ruth Evans (eds.), *Roadworks: Medieval Britain, Medieval Roads*, Manchester 2016, 177–97).
- 10 When made earl of Orkney in 1379, Earl Henry I was expressly forbidden from constructing castles or fortifications in Orkney without the express consent of the Norwegian king

that the Norwegian-Scottish frontier was open in a physical sense, few have addressed the reasons for rulers' openness to mobility in the policy sense as well. Why did the crown, which supposedly lost its standing in the isles as a result of Scottish immigration, do so little to prevent it?

Explaining this first demands an appreciation of the motivations for and basic principles of free movement established with the Treaty of Perth in 1266. For centuries, the Northern Isles belonged to a culture of trans-regional mobility. Since the first encounters between native Pictish inhabitants and peripatetic Norsemen in the eighth century, the isles had been at the heart of an extensive network of trade and migration stretching across the North Atlantic, down to the Irish Sea and into the Scottish interior.¹¹ As Crawford points out, inhabitants and explorers viewed the seas as something to be crossed and to be used to foster social, economic and political relations with distant peoples.¹² Most importantly, centuries of expansion by the earls of Orkney meant that the Northern Isles were intimately linked to the hybrid, Norse-Gaelic societies of Northern Scotland and the Western Isles.¹³ Crawford describes this as a 'maritime milieu' that promoted communication, transportation and acculturation between different social groups.¹⁴

Nestled at the heart of that milieu was the Pentland Firth, a strait, roughly ten miles in width, that notionally divided but practically adjoined Orkney to the northern Scottish mainland throughout the Middle Ages. On the one hand, it was a topographical marker of division of which medieval observers were fully aware. The anonymous twelfth-century author of *Historia Norwegie* emphasized the topographical divide as a means of notionally segregating Orkney, which fell under Norway's suzerainty, from the foreign Scottish mainland, claiming that 'the sea which separates the islands from Scotland is still known by the natives as the Pentland Firth; here is the most gigantic of all whirlpools, which draws in and swallows the stoutest vessels at ebb-tide, and at high-tide

(DN 2, no. 459), although it is evident from the installation charter of his grandson, Earl William I, that either Henry I or his son, Henry II, undertook such a project illegally 'without the consent of the king of Norway' (*sine consensu regis Norwegie*) (NgL 2.1, no. 74).

- 11 For the Norse settlement of the isles around Britain see e.g. See Per S. Andersen, "Den norske innvandringen til Hebridene i vikingtiden og den norrøne bosetningens senere skjebne", *Historisk Tidsskrift* 73, 1994, 256–85; idem, "Nordisk innvandring, bosetning og samfunnsdannelse på Isle of Man i middelalderen", *Collegium Mediaevale* 8, 1995, 5–50; Crawford 1987, 47–51.
- 12 Crawford 2013, 10–18. Cf. Imsen 2010, 29, where the Norse world is portrayed as a primarily – although not exclusively – maritime sphere, and the kingdom of Norway as a thalassocracy.
- 13 Crawford 1987; Alex Woolf, *From Pictland to Alba. 789–1070*, Edinburgh 2007.
- 14 Crawford 1987, 11.

spews up and disgorges their wreckage'.¹⁵ The fantastic imagery created in the author's account derives from real dangers faced by navigators of the Pentland Firth, especially the dreaded 'Swelchie', a whirlpool of legendary strength.¹⁶ Yet in portraying these maritime perils as natural barriers, the author was merely propagating a political agenda. The reader, he hoped, should accept that Norway's lordship over the isles north of that 'most gigantic of all whirlpools' was unthreatened by rulers in Scotland.¹⁷ In reality, people frequently, even regularly, managed the crossing. Crawford notes that the experienced seafaring chieftains, warriors and watchmen of the isles were well acquainted with the perils of the Firth and thus were capable of establishing and maintaining political control over lands on both ends, combining 'their island domain with their territorial one in a joint power base, difficult though that may seem to us today'.¹⁸

Control of the Pentland Firth was central to the strategies of earls, who distinguished themselves as trans-regional magnates *par excellence*. Confirmed as the Norwegian king's vassals in Orkney and Shetland, and, by the twelfth-century, the Scottish king's vassals in Caithness, the earls established a continuity of power between two political spheres. 'If a Norse earl had ruled the islands and a Scottish earl had ruled Caithness', Crawford speculates, 'control of the waterway would have been disputed'.¹⁹ Presumably, such a division would

15 HN, 64–65: '*unde ad huc Petlandicum Mare ab incolis appellatur, quod seiungit insulas a Scotia, ubi omnium maxima uorago, que fortissimas naues per ledonem attrahendo diglutit, earundem fragmenta per malenam eructando euomit*'.

16 Crawford 1987, 21; idem 2013, 15.

17 Grohse 2013, 259. The description forms part of that work's chapter on 'the tributary islands' (*de tributariis insulis*), the local rulers of which, the author tells us, were subject to the suzerainty of Norway's kings. Thus, the 'whirlpool' becomes a literary device to substantiate the Norwegian king's right to tribute, and the Scottish king's exclusion therefrom.

18 Crawford 2013, 15.

19 Ibid., 11. From a cultural standpoint, Orkney and Shetland 'were divorced from the culture of Scotland for some centuries', as all traces of the Celtic language had been eradicated in the wake of Norse settlement (ibid., 12). There is, however, some debate as to whether the native population was displaced by Norse settlement (e.g. Brian Smith, "The Picts and the Martyrs or Did the Vikings kill the Native Population of Orkney and Shetland?", *Northern Studies* 36, 2001, 7–32; Jessica Bäcklund, "War or Peace? The Relations between the Picts and the Norse in Orkney", *Northern Studies* 36, 2001, 33–48). Across the Pentland Firth, in Caithness, where there was already greater mixture of Norse and native Gaelic elements, southern Scottish elements became increasingly important (Crawford 2013, 12). Due to its geography, Caithness was, in Crawford's view, 'inevitably going to become integrated into the medieval Scottish kingdom', while the Pentland Firth halted the process of Scottish integration in the Northern Isles, at least until the later Middle Ages (ibid.).

pit two regional lords against one another, a rivalry that would potentially draw the interests and backings of both the Norwegian and Scottish crowns. Although the continuity of power was maintained under the mantle of singular houses of earls, thus precluding a diametric struggle at a regional level, Crawford still regards the waterway as a bone of contention. If Norwegian and Scottish rulers could not extend their control over the Firth and the adjacent lordships through opposing regional actors, they could still foster geopolitical interests through persuasion of their common vassals and the singular regional magnates, the earls.

Despite the frequency with which Orcadians and Scots traversed the Pentland Firth – and its potential as a medium for political expansion – Norwegian and Scottish rulers largely omitted it from their geopolitical aspirations, investing more energy in controlling the Western Isles and Irish Sea. King Magnus III's confrontation with King Edgar of Scotland in the late eleventh century, and King Hákon IV's struggle with King Alexander III in 1263, are both exemplary of this.²⁰ For Norway's kings, Orkney was a springboard and the Pentland Firth a thoroughfare by which to access the more economically lucrative and hotly-contested regions to the west.²¹ Although a medium for mobility between cultural and socio-political spheres, Orkney would not become the focal point of inter-regnal discourse until the recession of Norwegian power in the Irish Sea in the late thirteenth century. Only with the establishment of a new geopolitical order in 1266 was Orkney ushered to the heart of Norwegian-Scottish relations. But in contrast to the Hebrides and Man, which had long kindled animosity between rival rulers, Orkney was to provide an avenue for intercourse and a platform for peace between allied kingdoms.

20 Magnus III's campaign was compelled in part by the aim of reconquering Orkney, a land supposedly first quelled by King Harald I, but far more by his potential gains to the west of Scotland, for he was advised that 'if he gained lordship of the Hebrides, it would be easy for him to raid from there in Ireland and Scotland, and, once these western regions were his, he could get reinforcements from Norway and lead an army against the English' (*ef hann fengi ríki í Suðreyjum, at þaðan væri hægt at herja á Írland ok Skotland, ok ef hann kæmi undir sik Vestrlöndum, at þaðan væri gott at eflask með styrk Norðmanna á móti Englismönnum*) (Os, 93–94). Hákon IV's campaign was a reaction to the earl of Ross' invasion of Skye in 1262 and threats that King Alexander III would not stop until all of the Hebrides were under his control.

21 Grohse 2013, 259–62. Orkney's strategic advantage was manifest more regularly on a regional level. In the wake of the earldom's establishment in the ninth century, Earl Sigurd hinn ríki used the isles as a 'springboard' for raiding missions into northern Scotland and all along its coasts (Crawford 2010, 79).

1.2 Plelude to Peace

The signing of the Treaty of Perth in 1266 was a watershed point in the history of Norse-Scottish relations. For roughly five centuries, since the first Norse settlements in the isles and coastal territories along Scotland's seaboard, political relations among communities in the region were characterized largely by competition, oscillation and violence.²² Stretching from the Northern Isles around Cape Wrath and deep into the Irish Sea, the median between Norse and Scottish spheres displayed the kind of diffusivity and volatility that historians and political scientists typically ascribe to pre-modern frontiers. While it is beyond the scope of the present work to recount the myriad confrontations between (and among) constituents of the Norse and Scottish realms, there is a wealth of research devoted to the turbulent history of the frontier in the early and central Middle Ages.²³

The Norwegian-Scottish frontier of the late Middle Ages was a decidedly more delimited and peaceful environment. An achievement of inter-state diplomacy, the zone between Norwegian and Scottish realms, from the late thirteenth century onwards, was not a proving grounds for kings and regional chieftains, but a forum for cultural, social and political intercourse. Foundational to this change was Norway's and Scotland's consolidation as monarchical states with more coherent ideologies and feasible policies of territorial lordship, both with respect to peripheral chieftains at the margins of their realms, and with one another as neighbouring kingdoms. Almost paradoxically, it was the territorial ambitions of the two kingdoms, and their resulting rivalry with each other, that ultimately began peace and alliance.

The first serious efforts on the part of Norwegian and Scottish monarchs to define and enforce their authority with respect to one another began in the mid-thirteenth century when the two crowns initiated diplomatic talks aimed at substantiating and transferring claims over the island territories in the region. Situated within range of those territories, Scotland entered talks with greater geopolitical leverage. Despite Norway's naval prowess in the mid-thirteenth century, Scotland's proximity to the isles, combined with a steady

²² Grohse 2013.

²³ Recent surveys, from which readers find references to older research, include, but are not limited to, Beuermann 2006; idem 2010; Thomson 2008, 24–137; Crawford 2013, 1–301; Wærdahl 2011, 40–58; McDonald 1997, idem, *Outlaws of Medieval Scotland: Challenges to the Canmore Kings, 1058 to 1266*, East Linton 2003; *Manx Kingship and its Irish Sea Setting, 1197–1229: King Rognvaldr and the Crowan Dynasty*, Dublin 2007; Oram 2011, 47–50, 79–82, 168–69, 187–94.

augmentation of its royal forces, gave the latter a distinct military advantage.²⁴ Scotland was, however, disadvantaged from a legal standpoint. For centuries, regional magnates – in the Western Isles the petty kings of the Isles and in the Northern Isles the earls of Orkney – had recognized Norwegian suzerainty and paid tribute, albeit intermittently, to Norway's monarchs in exchange for Norwegian recognition of their island lordships.²⁵ And, at least according to Norse sagas, Norway's claims of suzerainty in the region were substantiated through a Norwegian-Scottish settlement from 1098, when King Edgar allegedly recognized King Magnus III's claims in the Inner Hebrides and, implicitly, other isles positioned farther from the Scottish mainland.²⁶ The challenge for Scotland was thus to gain lordship, while for Norway, it was merely to maintain it.

In this context, it was the Scottish crown which made the first overture for diplomatic regulation of the frontier. In the summer of 1244, King Alexander II of Scotland dispatched envoys to the court of King Hákon IV, petitioning the Norwegian king to relinquish his claim to the Hebrides, a claim that King Magnus III had coerced his Scottish counterpart, King Edgar, to recognize in the late eleventh century.²⁷ The Norwegian king's response that 'Magnus had

-
- 24 For military developments in mid-thirteenth century Scotland see Geoffrey W.S. Barrow, "The Army of Alexander III of Scotland", in Norman H. Reid (ed.), *Scotland in the Reign of Alexander III 1249–1286*, Edinburgh 1990, 132–47. Beuermann adds that Scottish and Norwegian kings were competing for control of military levies as renders from the Hebrides and Man (Beuermann 2011, 94–96). Erik Opsahl questions Scotland's supposed military superiority (Erik Opsahl, "Der Schottlandfeldzug 1263 – ein militärischer Weckruf? War das norwegische Militärwesen am Ende des Hochmittelalters ins Hintertreffen geraten?", in Robert Oldach and Thomas Wegener Friis (eds.), *Staat – Militär – Gesellschaft. Festschrift für Jens E. Olesen zum 65. Geburtstag*, Greifswald 2015, 27–50).
- 25 This is articulated in *Historia Norwegie*, which explains that the Northern Isles of Orkney and Shetland and the Western, or 'Southern' Isles of the Hebrides and Man were 'populated by different peoples and now split into two domains; the southern isles have been elevated by petty kings, the northern graced by the protection of earls, both of whom pay no mean tribute to the kings of Norway' (*diuresis incolis acculte nunc in duo regna sun diuise: Sunt enim Meradiane Insule regulis sublimite, Brumales uero comitum presidio decorate, qui utrique regibus Norwegie non modica persoluunt tribute*) (HN, 64–65).
- 26 Sagas describe how Magnus III entered into an agreement with King Edgar in which the former claimed lands that could be reached 'with the rudder set'. In an alleged act of cunning, Magnus had his boat ported across the isthmus of Tarbert in order to claim the Kintyre Penninsula (Os, 98–99; cf. *Heimskringla*, vol. 3, in *Íslenzk fornrit*, vol. 28, ed. Bjarni Aðalbjarnarson, Reykjavík 1951, 224.).
- 27 According to *Hákonar saga*, the envoys claimed that 'Magnus III had unjustly wrestled [the Hebrides] from Malcolm, predecessor to the Scottish king' (*Magnús konúgr hefði sótt með nóckurum újafnaði af Melkólfi Skota-konúngi frænda hans*) (HsH 2, 5). Oram

settled the matter of what authority Norwegians should have in Scotland and the small islands that lay nearby' affirmed that both parties recognized the precedent of accord.²⁸ Nevertheless, the Scots regarded the agreement as unjust, meaning that by the mid-thirteenth century the question of territorial lordship was not yet resolved. When the envoys then offered to purchase the isles, Hákon IV responded that 'he was unaware that he was so in need of silver that he had to sell his inherited land'.²⁹ Frustrated by the Norwegian king's reluctance, Alexander II prepared an invasion of the Hebrides in 1248, but died just before realizing his plans. When Alexander II's successor, Alexander III, resumed talks with Norway in 1261, Hákon IV escalated tensions once more by imprisoning the Scottish envoys working in Bergen.³⁰

Although the military conflict between Alexander III and Hákon IV's forces in 1263 were compelled largely by the latter's hard-line opposition to diplomatic compromise in preceding years, the Norwegian king briefly changed his position as the adversaries approached battle. With his main fleet anchored just off the coast of the Cumbraes, Hákon IV began to exchange *ad hoc* embassies with his Scottish counterpart on the mainland.³¹ However, after exchanging several promising 'letters of peace' (*friðar-brefi*), in which the kings discussed parcelling specific island territories between them, diplomacy ground to a halt once more, setting the stage for what was an indecisive, but seemingly demoralizing, engagement between Norwegian and Scottish forces at Largs.³²

Hákon IV had demanded peace under his terms, and his terms only. His successor, Magnus VI, was decidedly more willing to compromise. Following the retreat of the Norwegian fleet in late 1263, and Hákon IV's illness and death

recently dismissed accounts of the treaty as being manipulated to validate Hákon IV's tentative claims to the Hebrides (Oram 2011, 49–50).

28 HsH 2, 5: '*Magnús konúngur hefði samit með sèr, hvar ríki Norðmenn skyldi hafa í Skotlandi eðr smáeyjum þeim er þar lága næst*'.

29 Ibid.: '*hann vissi sèr önga nauðsyn til silfrs, svà at hann þyrfti selja erfðalönd sín*'.

30 According to *Hákonar saga*, the envoys attempted to travel back to Scotland without first receiving leave from the Norwegian king (HsH 2, 104–05). Diplomatic letters involving the English king, Henry III, show that Hákon IV was first accused of abusing the envoys, but later exonerated (DN 19, nos. 271, 272). The Norwegian king's saga, however, shows the envoys being treated with great respect while in Bergen (HsH 2, 109).

31 HsH 2, 131–32.

32 For a general survey of the campaign and the battle, which modern historians have emphasized was militarily indecisive, see e.g. Beuermann 2006, 268–98; Cowan 1990; McDonald 1997, 119–24; Derek Alexander, Tim Neighbour and Richard Oram, "Glorious Victory? The Battle of Largs, 2 October 1263", *History Scotland* 2, 2002, 17–22. Geoffrey W.S. Barrow, *Kingship and Unity: Scotland 1000–1306*, Edinburgh 2003, 141–46.

in Orkney that same winter, the isles around Scotland were left largely undefended against Scottish advances. The Hebrides fell quickly under Alexander III's control, while Orkney, whose earl was detained in Caithness, stood in the Scottish king's sights. Magnus VI sought to quell Scottish aggression by dispatching a delegation, headed by Bishop Henry of Orkney, to sue for peace with Alexander III in Inverness.³³ When the overture was rebuffed, and the bishop was threatened with imprisonment, Magnus VI was compelled to send a Norwegian baron, Ogmund *krökidans*, to mount Orkney's defence.³⁴ While in the isles, Ogmund discovered that Alexander III 'had sent any army into Caithness' and that there was 'much talk that the army sought to be in Orkney' as well.³⁵ Despite or because of these threats, Magnus VI persisted in his diplomatic efforts, sending an additional three delegations to Scotland over the next two years.³⁶ According to the Scottish *Chronicle of Melrose*, it was during a Scottish embassy to Norway in 1265 that a draft for a final accord between the

33 *MsL*, 155–56. Bishop Henry had been involved in Norwegian-Scottish talks on the eve of war in 1263 (*HsH* 2, 132) and hosted Hákon IV at his palace in Kirkwall as the king grew ill in his final days (*ibid.*, 147–48).

34 *MsL*, 156.

35 *Magnúss saga* reports that 'the king of Scots had sent an army into Caithness and taken there great retribution on the men of Caithness because King Hákon had laid a due on the men of Caithness' and there was 'much talk that the army sought to be in Orkney' (*at Skota konúgr hafði sent her á Katanes, ok tóku þeir fê mikit af Katnesíngum fyrir þat er Hákon konúgr hafði lagt gjald á Katnesínga [...] var þá mikit orð á, at herjat mundi vera í Orkneyjar*) (*ibid.*, 156) in the months after the Norwegian fleet's withdrawal from Orkney (*ibid.*). When the Norwegian fleet was anchored in Orkney in the autumn of 1263, Hákon IV secured a separate peace with the people of Caithness in exchange for the payment of a fine. Crawford noted that a 'letter sent by the king of Norway to the people of Caithness' (*littera regis Norwagie missa Cataniensibus*) came into the possession of the Scottish royal treasury (*APS*, 109). It had presumably been intercepted and used as proof of Caithness's disobedience to the Scottish crown (Crawford 1971, 106).

36 The delay in reaching an agreement was due in part to the insufficient diplomatic status of the first Norwegian delegations. The status of Bishop Henry and his partner, Askatin, is unclear. In a second mission, involving two Franciscans, the Norwegian delegates were likely to have had the modest status of 'envoys' (*nuncio*) – simple messengers incapable of performing negotiations. Although Alexander III received them, he requested that he receive 'good messengers' (*goða sendiboða*), suggesting that he could only deal with 'procurators' (*procuratores*) – men with the authority to negotiate an agreement (Lustig 1979, 40–43). For a discussion of their diplomatic status at the time see e.g. Donald E. Queller, *The Office of the Ambassador in the Middle Ages*, Princeton 1967; *idem*, "Thirteenth-Century Diplomatic Envoys: Nuncio and Procuratores", *Speculum* 85, 1960, 196–213; Pierre Chaplais, *English Diplomatic Practice in the Middle Ages*, London 2003, 133–51.

monarchs was first proposed.³⁷ In July 1266, a Norwegian delegation arrived in Perth to finalize the terms of peace with the Scottish king.³⁸ The ‘final concord’ (*finalis concordia*) was unlike any previously entered into by the Norwegian crown. Its most unique features concern the Scots’ monetary payments to Norway in exchange for its resignation of claims to the Hebrides and Man. It stipulates that the king of the Scots was to pay an initial sum of 4,000 marks in four yearly instalments, and an additional annual sum of 100 marks in perpetuity. Known later as the ‘annual of Norway’ or ‘annual’, this sum would become a recurring point of discussion and dispute in Norwegian-Scottish relations over the next two centuries.³⁹

According to the text, Alexander III agreed to the payments ‘chiefly for the sake of peace and the lessening of troubles and labours.’⁴⁰ For Magnus VI, the promise of such a large initial payment would have been a strong incentive for renouncing his claims to the isles. However, the inclusion of small annual payments is somewhat more perplexing. It seems unlikely that the king could use the promise of 100 marks, a relatively negligible sum, as the foundation for long-term investments, and this contract must have had more of a symbolic value than a practical one.⁴¹ The explanation most often given in Norwegian

37 *Chronica de Mailros. E codice unico*, ed. Joseph Stevenson, Edinburgh 1835, 197. There is no other evidence to verify the account, and Richard Lustig expressed doubts as to its credibility. Its most perplexing feature is its report that the final terms included a stipulation whereby the king of Scots would agree to pay a ferme in homage to the king of Norway in exchange for control of the Hebrides and Man. As Lustig notes, the account is erroneous in several respects, and the fact that the homage is not mentioned in the final treaty or any subsequent documents makes the account difficult to accept (Lustig 1979, 36–37, 43–44).

38 Magnus VI’s representatives, Askatin and Andreas, were described as simple ‘envoys’ (*nuncios*), rather than as procurators, yet appear to have held plenipotentiary powers at the summit, for they are described as ‘having from the king’s full authority of arranging and agreeing’ (*habentes ab ipso rege plenam auctoritatem componendi et concordandi*) (*DN* 8, no. 9; cf. Lustig 1979, 43).

39 *Ibid.*, 48–49. Crawford emphasizes the ‘annual’s’ role in shaping relations, particularly in the decades that preceded Norway’s transfer of the Northern Isles to Scotland in 1468/69 (Crawford 2013, 302–03; 360–61, 363, 365–66; cf. Thomson 2008, 144).

40 *DN* 8, no. 9: ‘*precipue pro bone, pacis, et vt fatigationes et labores redimantur*’.

41 Asgaut Steinnes estimated the Norwegian crown’s annual income from taxation in the central Middle Ages to roughly 3,000 marks, with an additional 2,300 marks in rents from royal estates (Asgaut Steinnes, *Gamal skatteskipnad i Noreg*, vol. 2, Oslo 1933, 207; Halvard Bjørkvik, ‘Jordeige og landskyld i Noreg i mellomalderen’, in Claus Krag and Jørn Sandnes (eds.), *Nyere middelalderstudier. Bosetning og økonomi. Norske historikere i utvalg*, vol. 5, Oslo 1981, 169–77.). Considering all sources of revenue, the crown’s annual income prior

surveys has been that the 100 marks annuity was, as the *Chronicle of Melrose* claims, the foundation of a feudal relationship, with Scottish kings paying tribute to their Norwegian counterparts as overlords of the Hebrides and Man.⁴² But Lustig argues convincingly against the idea, reminding us that the treaty was 'a voluntary agreement between equals, not an instrument of homage'.⁴³ If so, why then did the king of Scots indebt himself and his heirs to the king of Norway in perpetuity? Lustig suggested that the 'annual', which provided some flow of income to the Norwegian treasury, albeit marginally significant, served three diplomatic purposes. First, by remunerating the king of Norway with small sums at regular intervals, the Scottish king could frustrate potential Norwegian ambitions and ensure that that kingdom did not renew its claims to the Western Isles in the future.⁴⁴ Second, by compensating Norway for whatever annual revenues it might have been receiving from the Hebrides and Man prior to the 1260s, the 'annual' ensured that there was no room for later demands for payments in arrears.⁴⁵ Third, by promoting a sense of goodwill

to the Black Death probably exceeded 10,000 marks (Moseng et al. 1999, 209). See also Svein H. Gullbekk, "Myntretten som inntektskilde i middelalderen", *Scandia* 75, 2009, 67. Compare this 100 mark 'annual' to, for instance, the 15,000 marks paid by King Hákon IV to the papal legate, William of Sabina, in connection to his coronation in 1247 (ibid.). Taking the estimate of Moseng et al., the 'annual' would make up less than 1% of the annual revenues to the crown, although this was far greater than that the likely sum earned from the Hebrides prior to the 1260s (Beuermann 2010).

42 Munch alludes to the *Chronicle of Melrose's* account when he notes that there were serious discussions about the establishment of a feudal grant during the negotiations, even although the final accord makes no explicit mention of it (Munch 1858, 461). Knut Helle interprets the 'annual' as a 'feudal due' (lensavgift), and explains that it allowed Norway to save face despite its concession of practical political control (Helle 1964, 126). This view is reiterated by Oscar A. Johnsen, who claims that contemporaries regarded the payments as an 'annual ferme' (Oscar A. Johnsen, "The Payments for the Hebrides and the Isle of Man to the Crown of Norway, 1153–1263", *Scottish Historical Review* 48, 1969, 31). Cf. Archibald A.M. Duncan, *Scotland. The Making of the Kingdom*, Edinburgh 1973, 581–82, where it is referred to merely as a 'sale'.

43 Lustig 1979, 53. There is no explicit or implicit reference to a feudal due in the final terms, and the credibility of the *Chronicle of Melrose* is weakened by several glaring inaccuracies (ibid.). Cf. Thomson 2008, 144, who also concludes that the payments were essentially an outright purchase.

44 Lustig 1979, 54.

45 Ibid. This possibility should be questioned in light of Ian Beuermann's theory that the economic incentives for Norwegian lordship over the Hebrides has diminished considerably in the course of the thirteenth century (Beuermann 2011, 77–102).

between kingdoms, the 'annual' spared the Scottish crown from maintaining an exhaustive apparatus for the defence of its newly acquired lands.⁴⁶

1.3 Parameters for Peace and Mobility

Orkney's development under Norwegian rule was dictated by its advantageous geographic station between Norway and Scotland. Geographically, the isles had long been seen as elements of an intermediary zone between east and west, as is witnessed by the description of them in the late twelfth century *Historia Norwegie* as islands within the sea 'that flows between Norway and Ireland' (*quod inter Norwegiam et Iberniam fluit*).⁴⁷ While Orkney's proximity to Scotland, England, and Ireland had long proved advantageous in Norway's overseas military campaigns, it came to be equally expedient in Norwegian-Scottish diplomatic relations after 1266.⁴⁸

Somewhat paradoxically, Orkney's development as a setting for diplomatic convergence, rather than for military competition, was a by-product of a greater differentiation and division between Norwegian and Scottish jurisdictions. The Treaty of Perth, which describes 'the islands of Orkney and Shetland' (*jnsulis Orchadie et Hietlandie*) as 'land of the lord the king of Norway' (*terra scilicet domini regis Norwegie*), recognized both archipelagos north of the Scottish mainland and beyond the Pentland Firth as Norwegian soil.⁴⁹ This served the aims of diplomacy in two ways. First, through a more finite demarcation of territorial lordship, it erased any ambiguities and, crucially, placated conflict over the bounds of Scottish and Norwegian authority. Second, it positioned Norwegian jurisdiction in direct proximity to the Scotland mainland, thereby relieving Scottish diplomats of treacherous journeys across the North Sea. Those seeking entry into Norwegian jurisdiction need only travel a few nautical miles across the Pentland Firth.

These were apparent considerations when delegates ironed out the procedures by which Scotland was to deliver its payments to the Norwegian crown.

46 Lustig 1979, 54. Beuermann's analysis of Norway's potential for economic profit in the Hebrides suggests that the revenues (mainly in military renders) were minimal. By his reckoning, the 'annual', at 100 marks sterling, was roughly equivalent to the 10 marks gold paid to the crown from the Hebrides upon the succession of a new king. Thus, the annual was worth that earned in a king's lifetime. In addition, the 4,000 initial sum promised to Norway by Scotland would take centuries to recoup from tributes from the Hebrides, and thus it was in the king's economic interest to sell them (Beuermann 2011, 98).

47 *HN*, 64–65.

48 Grohse 2013, 4–6.

49 *DN* 8, no. 9.

Orkney provided a relatively safe and convenient drop-off point for substantial and important financial transactions, and by depositing their 'annual' payments with Norwegian agents on Norwegian soil, Scotland minimized the logistical risks of conveying them across the North Sea in mainland Norway. Thus, the treaty stipulates that the first of four instalments amounting to 4,000 marks were to be delivered:

[...] in Orkney, namely the land of the lord the king of Norway, in the church of Saint Magnus, into the hands of the bishop of Orkney or of the baillie of the lord the king of Norway specially deputed by him for this purpose, or they may be deposited in the same church for the use of the lord the king of Norway, in the custody of the canons of the said church, if the bishop or baillie are not present in the same [...] ⁵⁰

Having placed their shipments into the hands of a bishop or another Norwegian official, and after acquiring a receipt for their payment, Scottish delegates would have been relieved of any further liability in the matter. Whether or not the payments made it safely to the royal treasury in Bergen then became an internal matter for which the king of Scots bore no responsibility.

Safe delivery of the payments demanded a destination with some sort of civic infrastructure. Kirkwall was the only centre in the region to offer such conveniences. Magnus VI, whose best men had accompanied his father while residing in Bishop Henry's palace, would have been well acquainted with Kirkwall's amenities.⁵¹ Apart from its lack of a castle at that point in the late thirteenth century, Kirkwall had all the makings of a respectable town, comparable to the Scottish royal burghs emerging across Northern Scotland at the time.⁵² St. Magnus Cathedral, which garnered considerable wealth in the

50 Ibid.: '*jñ Orchadia terra scilicet domini regis Norwegie in ecclesia sancti Magni in manibus episcopi Orchadie seu balliui ipsius domini regis Norwegie ad hoc per ipsum specialiter deputati vel in eadem ecclesia deponent ad opus ipsius domini regis Norwegie sub custodia canonicorum eiusdem ecclesie si episcopus vel balliuus non inueniantur ibidem*'. However, subsequent payments were 'to be paid in the said manner within the next four years, at a place to be defined and known beforehand' (*dieto modo numerandoram infra proximum quadriennium loco et termino prænotatis*) (ibid.).

51 Among others, Bishop Henry, Askatin and Ogmund *krøkidans* accompanied Hákon IV on his expedition in 1263. Their residence in Orkney, either from the participation on that mission, or thereafter, would have familiarized them with the infrastructure.

52 Officials in Kirkwall referred to themselves in the fifteenth century as 'baillies of your burgh of Kirkwall' (*balliui vestri burgi de Kyrkwaw*) (DN 5, no. 827). For a study of Kirkwall's urban development see John Mooney, *The Cathedral and Royal Burgh of Kirkwall*, Edinburgh 1943; Barbara E. Crawford, 'St. Magnus Cathedral – A Proprietorial Church of

form of dues from bishopric lands and tithes, was a natural depot for Scottish monies. Furthermore, the bishop's palace, which had housed the late Hákon IV in his final days, would have provided agreeable accommodation for royal envoys on solemn diplomatic missions.

Orkney was not the only setting for diplomatic summits between the two kingdoms. In fact, most of the recorded diplomatic encounters between Norwegian and Scottish delegates during the period took place on the mainland of either Scotland or Norway. In meetings involving procurators and the conduct of specific negotiations, it was important to meet at or near a major administrative centre. It may have been the case that the agents of one party had other official duties that precluded travelling abroad to negotiate with their foreign counterparts and so were only available to receive delegations near their administrative base. In other cases it was important that at least one of the kings was present to affirm the talks, such as in 1312 when representatives of the Norwegian crown travelled to Inverness to discuss affairs relating to the frontier in the presence of King Robert I.⁵³ Although Orkney was not the main summit point for more elaborate diplomatic negotiations, a number of actors in Norwegian-Scottish affairs originated from the isles, or had some association to them. Situated not far from the Scottish mainland, inhabitants of the frontier had greater access to news from that kingdom. One can assume that they came into frequent contact with merchants, pilgrims, and migrant employees of ecclesiastical and secular offices in Scotland and that these encounters provided them with useful insights into Scottish society. It is then not surprising that most of the Norwegian embassies known to have taken place in Scotland included at least one official with a link to the frontier communities.

1.4 Policies for Peace and Mobility

Having defined the scope of the Norwegian and Scottish dominions, the kings could readily identify the frontier communities under their rule and thus more effectually negotiate issues that might distress the welfare of their subjects. Safeguarding and promoting the prosperity of those communities served two

the Orkney Earls?" in Steinar Imsen (ed.), *'Ecclesia Nidrosiensis' and 'Noregs veldi': The Role of the Church in Making of the Norwegian Domination in the Norse World*, Trondheim 2012, 179–89; idem, "The Northern Half of the Northern Earldoms: A Comparison of Orkney and Shetland", in Steinar Imsen (ed.), *Rex Insularum. The King of Norway and his 'Skatlands' as a Political System c. 1260-c. 1450*, Bergen 2014, 156–57.

53 DN 2, no. 114.

purposes. First, by placing specific populations, residing within specific territories, under the umbrella of royal protection and justice, the rulers pledged to fulfil a central tenet of kingship in the hope of substantiating their claims of dominion with respect to the local inhabitants.⁵⁴ In other words, kings intended to engage the loyalties of their subjects by claiming to cater to their overall welfare. Second, by pledging to continue, perhaps even to promote, the tradition of free trade and peaceful movement between the isles and the Scottish mainland, kings hoped to minimize disturbances in frontier life, thereby limiting the likelihood of social or political unrest that might derail the peace process.⁵⁵

These aims are manifest in three ancillary clauses in the Treaty of Perth. The first was fashioned in response to the immediate concern of resistance to Scottish rule in the recently ceded islands of the Hebrides and Man, and the apparent desire of some locals to vacate their homelands for other areas under Norwegian jurisdiction. According to the treaty, the islands ceded to Scotland, 'both great and small, should be subject to the laws and customs of the kingdom of Scotland, and henceforth governed and judged according to these'.⁵⁶ Recognizing that inhabitants might not eagerly accept the imposition of Scottish customs and thus frustrate King Alexander III's plans for integration, the kings agreed to open avenues for emigration:

But if the said islands under the dominion of the said lord, the king of Scotland, they wish to remain, they may stay in the land freely and in peace, and if they wish to leave they may depart with their goods freely and in complete peace. Consequently, they are neither to be forced to

54 Sverre Bagge argues that the king's role as purveyor of justice was a dominant feature of just kingship in medieval Norway and Europe (e.g. Sverre Bagge, *Kings, Politics, and the Right Order of the World in German Historiography, c. 950–1150*, Leiden 2002) and emphasizes the importance of 'public justice' in the expansion of the medieval state (idem, *Cross and Scepter: The Rise of the Scandinavian Kingdoms from the Vikings to the Reformation*, Princeton 2014, 102–06).

55 For the role of Norway's kings in the promotion of peaceful trade through commercial diplomacy see e.g. Ian P. Grohse, "The Royal Origins of Norwegian Commercial Diplomacy: King Hákon IV Hákonarson and the Council of Lübeck, 1247–1250", in Jesús Ángel Solózano Telechea, Beatriz Arízaga Bolumbruru and Louis Sicking (eds.), *Diplomacia y comercio en la Europa Atlántica medieval*, Logroño 2015, 61–86.

56 *DN* 8, no. 9: '*tam majores quam minores, subjaceant legibus consuetudinibus regni Scotie, et secundum eas ex nunc in posterum tractentur et judicentur*'.

remain nor to depart contrary to the laws and customs of the kingdom of Scotland and their own free will.⁵⁷

We do not know where those would-be refugees might pursue resettlement, although one could speculate, given the longstanding ties between Northern and Western Isles, that the close-lying Norse lands of Orkney or Shetland would make convenient areas of relocation. Although we lack evidence for a significant exodus in subsequent years, the proposition alone is significant in what it reveals about royal strategies for reorganizing society along the newly-fashioned frontier.⁵⁸ It not only underscores the kings' differentiation of jurisdictional authority, but it also demonstrates their will to execute that authority through popular support and the rule of law. Rather than parcelling lands and detaining all those within them, their strategies aimed to strengthen ties between the people, the land and the laws of the king, something that was best served by granting the inhabitants the freedom of choice between Scottish or Norwegian jurisdiction and the freedom of movement between Scottish and Norwegian territories.⁵⁹

Complete freedom of movement had potential drawbacks. Allowing subjects to traverse jurisdictions unimpeded opened the door for fugitives to evade their kings' justice within a foreign jurisdiction. Earl Magnus III had done just that during the Norwegian-Scottish conflict in 1263, reneging on his pledge to serve King Hákon IV – an act of treason according to the laws and customs of Norwegian vassals – and sought refuge in Caithness. A scenario, in which a vassal of the two crowns would be forced to defect from one side to another in the event of war was theoretically implausible, given the Norwegian and Scottish

57 Ibid.: '*et si in dictis insulis sub dominio dicti domini regis Scocie morari voluerint morentur in dominio libere et in pace et si recedere voluerint recedant cum bonis suis licite libere et in plena pace itaque nec morari nec recedere contra leges et consuetudines regni Scocie et suum libitum compellantur*'.

58 King Alexander III implemented judicial-administrative reforms soon after the Treaty of Perth, when, according to *Chronicle of Lanercost*, he installed baillies and sheriffs to govern Man (*Early Sources of Scottish History, A.D. 500 to 1286*, vol. 2, ed. Alan O. Anderson, Edinburgh 1922, 657). Despite a failed rebellion by the illegitimate heir to the Isle and Man in 1275, the Scottish crown reinforced its rule, establishing a new shrieval system in the isles in the late thirteenth century (McDonald 1997, 131).

59 On the role of political consent in the legislation of medieval rulers see e.g. Gaines Post, *Studies in Medieval Legal Thought. Public Law and the State 1100–1322*, Princeton 1964. Consent was not critical, but could be advantaged to gain the support from those who should live by the laws in question (ibid., 108–62; Bagge 2010, 206). In the Hebrides, support for Scottish laws was implied by those who remained.

crowns' pledges of peace. But there were still others who might hope to escape prosecution by traversing the Pentland Firth. Thus, the treaty stipulates that:

if any enemy of these kings, that is of Scotland and Norway, should take refuge with the other in his kingdom or dominion to the detriment of there from whence he fled, he is not to receive him, unless perhaps for a time until he might have obtained forgiveness, if he deserves it, and should he not obtain pardon for from his lord for his offence, he is not to linger to remove him from his dominions by the end of the year.⁶⁰

This 'border control' mechanism was not formulated in the spirit of animosity and segregation. Rather, it aimed to separate the wheat from the chaff, the welcome itinerant from the unwelcome. Harboursing criminals would confound the aim of peace between the kingdoms, applying negative, rather than positive, connotations to trans-border migration. Furthermore, in the absence of cooperative justice, rulers might be compelled to break their pledges of non-interference when pursuing fugitives and enemies beyond their territorial borders and without the consent of that jurisdiction's king. The pledge of cooperation, by contrast, eliminated the need to encroach the bounds of the other's territorial lordship.

A final clause promoting peaceful mobility demonstrates the chief incentive for maintaining an open frontier: prosperity from trade. In order to understand the importance of commerce for the frontier communities, we must distinguish trade conducted with other communities within the Norse ambit from trade conducted with other parts of Europe. Agricultural produce from Orkney's uncommonly rich farmlands provided the main commodities of trade with other, less fertile regions of the Norse world, including mainland Norway.⁶¹ In a speech before the burghers and merchants of Bergen in 1186,

60 *DN* 8, no. 9: '*Et si inimicus alterius regum ipsorum Scocie scilicet et Norwegie ad alterum ipsorum confugiat, ipsum in regno suo vel dominio ad grauamen eius a quo effugerit non receptet nisi forte ad tempus vt gratiam sibi impetret, si gratiam meruerit et si gratiam domini sui offensi habere non poterit ipsum statim post annum non differat, a se et suo dominio remouere*'.

61 References to Orkney's export trade are made in *Bandamanna saga*, *Njals saga*, *Orkneyinga saga* and *Sverris Saga*. *Bandamanna saga* tells us that an Icelander, Odd Ofeigson, purchased malt and grain in Orkney in the eleventh century (*Bandamanna saga*, ed. Hallvard Magerøy, Oslo 1981, Ch. 11); *Njals saga* reports that Icelanders, the sons of Njal, 'came to Norway from Orkney and traded there' (*komu þeir Njálssynir til Noregs af Orkneyjum og voru þar í kaupstefnu og biðu þar*) (*Brennu-Njáls saga*, in *Íslensk fornrit*, vol. 12, ed. Einar Ólafur Sveinsson, Reykjavík 1954, Ch. 88); *Orkneyinga saga* references trading voyages between

King Sverre thanked Orcadians, among others, for their import of valuable agricultural produce, suggesting that they were among the most important suppliers of grain to that country prior to its integration in the Hanseatic trading network.⁶² Although the documental evidence for Orcadian trading activity beyond the Norse world is less forthcoming, archaeological evidence suggests that dried fish provided Orcadian merchants with an important commodity for trade with Britain. James H. Barrett proposes that the overall growth of Orcadian fisheries and the increase in Scottish ceramics in fishing settlements such as Quoygrew (Westray) indicate an upturn in trade with Scotland and other parts of Europe in the thirteenth and fourteenth centuries.⁶³ The written evidence, though meagre, also alludes to Orcadian participation in markets beyond the Norse sphere. In the early twelfth century, Kali Kolsson, later Earl Rognvald of Orkney, ventured with merchants to Grimsby, England, a town later renowned for its fish market.⁶⁴ There they met men from Orkney, Scotland, and the Hebrides, indicating that Orcadians were already in the fish-trading game.⁶⁵ Even if they were not pushing fish (the saga is silent on their commodities), the presence of Orcadians in the English town shows that the Northern Isles were not isolated from 'international' trade, even if they were still closely tied into the 'domestic' Norse market. Barrett proposes a model for Orkney's political economy in the eleventh and twelfth centuries in which

Shetland and Norway, Orkney and Norway and Orkney and Scotland. For trade between provinces of the realm (primarily Norway and Iceland) see e.g. Helle 1982, 160–70, 307–10, 348–50, 360–64; Hallvard Magerøy, *Soga om austmenn: Nordmenn som siglde til Island og Grønland i mellomalderen*, Oslo 1993, 30–40; Patricia P. Boulhousa, "Of Fish and Ships in Medieval Iceland", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c. 1100 – c. 1400*, Trondheim 2010, 175–97; Helgi Þorláksson, "King and Commerce. The Foreign Trade of Iceland in the Medieval Times and the Impact of Royal Authority", in Steinar Imsen (ed.), *The Norwegian Domination and the Norse World c. 1100 – c. 1400*, 'Norgesveldet', Trondheim 2010, 149–73.

- 62 In his speech, the king claimed that trade with England, Orkney, Shetland, the Faeroes and Iceland, had 'brought here such things as make this land richer, and we cannot do without' (*hafa flutt í þetta land þá hluti, er eigi má missa, ok þetta land bætist við*) (Ss, 110).
- 63 James H. Barrett, "The Pirate Fishermen: The Political Economy of a Medieval Maritime Society", in Beverly Ballin Smith, Simon Taylor and Gareth Williams (eds.), *West Over Sea. Studies in Scandinavian Sea-Borne Expansion and Settlement Before 1300*, Leiden 2007, 324–25; idem, "Fish Trade in Norse Orkney and Caithness: A Zooarchaeological Approach", *Antiquity* 71, 1997, 616–38.
- 64 Barrett 2007, 326.
- 65 Os, 130; Barrett 2007, 325–26. Barrett also cites an account showing the royal treasury of Scotland paying for 15,000 dried fish in 1329, the origins of which have been assumed to be Caithness (ibid. 326; cf. *ER*, 329).

both tenants and magnates engaged in farming and fishing, and exported their surplus either to Norway or, less frequently, directly to Scotland, England and perhaps even to Ireland. This export produced wealth for tenants, freeholders, earls and bishops, the latter who might also prosper from the collection of tolls or the first offers of wares from incoming merchants.⁶⁶ The Treaty of Perth also delineated conditions by which protection was provided for merchants to continue to trade under certain difficult conditions:

if any of the people belonging to the king of Norway that may be absent in the kingdom or dominion of the king of Scotland should suffer shipwreck or marooning, they shall be permitted freely and quietly to collect, sell, and dispose of their wrecked or injured vessels, together with any other of their things, either for themselves or for others, free from all blame, so long as they shall not have discarded them. And should anyone act contrary to this state agreement concerning vessels or possessions imperilled in this way, and should steal anything by fraud or violence, he shall be convicted for this as a robber and violator of the peace, according to his demerits, and punished accordingly, regardless of any custom to the contrary.⁶⁷

Given the lack of specific reference to the Northern Isles, one could argue that the clause aimed to facilitate commerce between the mainland kingdoms of Norway and Scotland, rather than regional trade between Scotland and the

66 Barrett 2007, 329.

67 *DN* 8, no. 9: '*Insuper si contingat homines regni Norwegie quod absit, in regno vel dominio regis Scocie pati naufragium vel econuerso liceat eis libere et quiete naues suas fractas vel collisas vna cum rebus suis omnimodis per se vel per alios recolligere et habere vendere et alienare absque omni calumpnia quam diu eas non habuerint pro derelicto. Et si quis contra hoc commune statutum concordie de rebus vel nauibus huiusmodi periclitatis quidquam fraudulenter vel violenter surrepuerit, et super hoc conuictus fuerit tamquam raptor et pacis violator prout demeruerit puniatur consuetudine siqua sit contraria non obstanti*'. The question of shipwreck and jettisoned goods had been addressed in negotiations with King Hákon IV and the council of Lübeck in the late 1240s. Norwegian law guaranteed that skippers and merchants could recover their goods when shipwrecked, but gave the king the right to 'dead wreckage' not accompanied by its owner (Sjur Brækhus, "Bergning av vrak og vrakgods. Juridiske betraktninger omkring Runde-funnet", *Tidsskrift for rettsvitenskap*, 1975, 511). In negotiations between Norway and Lübeck, the king promised to amend the law to the benefit of the German merchants, thus encouraging trade in the future (Grohse 2015, 75). For a more general discussion of the maritime laws on shipwreck, jettison and ship collision in Northern Europe, see Edda Frankot, *'Of Laws of Ships and Shipmen': Medieval Maritime Law and its Practice in Urban Northern Europe*. Edinburgh 2012.

isles. In 1294, King Eric II forbade merchants of German towns from trading directly 'in areas to the north of Bergen' (*ultra Bergas uersus partes boreales*), a statute that many historians believe rendered illegal *any* form of direct trade between foreign merchants and the Norwegian tributary provinces in the North Sea and North Atlantic.⁶⁸ Roughly a decade later, King Hákon V tightened the restrictions, excluding any 'foreign man' (*vtlenskr maðr*) from trading north of Bergen or, especially, in 'Iceland or another tributary country of my lord the king' (*Islandz æða annara skattlanda mins herra konungsens*).⁶⁹ There is evidence from the fifteenth century that German merchants were aware of, but had frequently disregarded, the ban on trade with Orkney and Shetland, as well as the other North Atlantic tributary countries. In 1415, a Hanse Diet proclaimed that voyages to 'Orkney, Shetland and to the Faeroes' (*Orkenen, Hydland unde to Ver*) were prohibited, a statement that may have harkened back to the restrictions introduced in the late thirteenth century.⁷⁰ It has been posited more recently, however, that because the royal proscriptions were directed almost exclusively at German merchants, who at the time had interests in the fisheries of Northern Norway and Iceland, it did not automatically apply to the comparatively small-scale, inner-regional trade between the Northern Isles and Scotland.⁷¹ As we will see, several references to direct trade between the

-
- 68 DN 5, no. 23. Klaus Friedland claimed that from this point on, 'trade connections with Iceland, the Faroes, northern Norway, the Orkney and Shetland were limited to Norwegian merchants, and no Hanseatic trade was allowed to go further north than Bergen' (Klaus Friedland, "The Hanseatic League and Hanse Towns in the Early Penetration of the North", *Arctic* 37, 1984, 541).
- 69 NgL 1.3, no. 55. In 1348, King Magnus VII also forbade 'foreign merchants' (*vtlennndske koupmenn*) to trade with 'our tributary countries' (*vaare skatlannda*) (*ibid.*, no. 83). In 1361, King Hákon VI issued rights to merchants of Bergen to travel with their wares throughout 'our kingdom and to our tributary countries' (*varo riki ok till skatlanda vara*). Cf. NgL 2.1, no. 63; NgL 2.4, no. 5.
- 70 Klaus Friedland, "Der Hansische Shetlandhandel", in Klaus Friedland (ed.), *Stadt and Land in der Geschichte des Ostseeraums*, Lübeck 1973, 190–205.
- 71 Ian P. Grohse, "Orknøylene og Norgesveldet: Økonomisk eller politisk avhengighet?", *Heimen* 57, 2014[c], 313. The 1294 agreement that initiated the policy was between Norway's rulers, King Eric II and Duke Hákon Magnusson, and the German towns of Bremen, Lübeck, Rostock, Stralsund, Wismar, Greifswald, Stettin, Stavoren, Anklam, Riga, and the Germans in Visby (DN 5, no. 23). It refers to rights, obligations and limitations of the 'Germans' (*Teutonicis*), 'merchants' (*mercatorum*), and 'burghers' (*incolas*) of the named towns. These rules, which were clearly directed at a wide range of German merchants, could be extended to other merchants associated with the network later known as the Hanse, as were all of the named towns in 1294. This, and subsequent decrees, effectively made the town of Bergen the staple for trade within the realm (Helle 1982,

Northern Isles and Scotland in subsequent centuries not only demonstrate its legality, but also the Norwegian crown's willingness to protect it.

This raises the question of why the crown, which was so interested in restricting and concentrating Norwegian-German trade in Bergen, would have readily granted communities along the Norwegian-Scottish frontier the freedom to conduct business without royal oversight in 1266. Constraining or even restructuring commercial activities in the region would have threatened the vitality of local economies, deprived local leaders, freeholders and tenants of an important source of wealth, and could potentially have incited passive dissent or active opposition to the new regime. Assuming that this trade had figured prominently in the political economy of the isles,⁷² a sudden restriction on that trade would have threatened economic upheaval, leading to local outcry and resistance to the rules that had caused the disruption. By extension, kings themselves would have clipped their own wings by stifling commerce in the region, depriving themselves of potential revenues from taxation and tribute.⁷³ The protections proposed in the Treaty of Perth, on the other hand, prospectively facilitated commerce by limiting the scope of conflicts between merchants and providing securities for those traversing jurisdictions. In establishing appropriate institutions for the promotion of free exchange and the security of property, the kings hoped to increase commercial productivity, satisfying the demands of local leaders and freeholders for commercial outlets. In this respect, peace should beget prosperity, and prosperity peace, along the frontier.

346–53). Bergen was a geographic nexus between the major foreign players – Germany and England – and commodity sources – Northern Norway and Iceland (Justyna Wubs-Mrozewicz, “Fish, Stock and Barrel. Changes in the Stockfish Trade in Northern Europe, c.1360–1560”, in Louis Sicking and Darlene Abreu-Ferreira (eds.), *Beyond the Catch. Fisheries of the North Atlantic, the North Sea and the Baltic, 900–1850*, Leiden 2009, 193). None of these strategies were relevant for the regional Orkney-Scotland trade.

72 Barrett 2007, 325–26.

73 For the economic incentives for the expansion of royal authority in the realm of Norway, see e.g. Holmsen 1939, 303; Steinar Imsen, “From Tribute to Taxes”, in idem (ed.), *Tax, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, Trondheim 2011, 13–32. For Orkney see e.g. Barbara E. Crawford, “Tax and Tribute in the Joint Earldoms of Orkney”, in Steinar Imsen (ed.), *Tax, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, Trondheim 2011, 33–56. It has been suggested more recently that while the theoretical gains from trade, tribute and taxation were considerable, the crown's practical profits were likely far more modest (Grohse 2014c). However, it was probably not until the late fourteenth century that the crown's economic interests in the tributary countries began to diminish, meaning that they were still regarded as important sources of revenue in the late thirteenth century.

Historians have underappreciated the role of trade in encouraging Norwegian-Scottish negotiations in the 1260s. The concept of trade as an incentive to peace is hardly novel in a broader European diplomatic context.⁷⁴ A border agreement signed between Denmark and Sweden in 1505, for instance, was preceded by separate peace accords known in Swedish as ‘peasant accords’ (*bondefreder*), between ‘common men’ of Sweden and the Danish province of Scania in the late fourteenth and early fifteenth centuries, many of which demand the continuation of free-trade between frontier communities.⁷⁵ ‘Indeed’, notes Jukka Kokkonen, ‘it can be said that cross-border trade was the one thing that, in spite of the conflicts, wars and other divisive issues that arose from time to time, creates a sense of mutual dependence and belonging together between the two sides, and thereby a desire for peace and unanimity’.⁷⁶

1.5 Preservation of Peace and Mobility

Moving beyond the negotiating table at Perth, the question arises regarding how diligently rulers of Norway and Scotland upheld the treaty’s clauses pertaining to movement, trade and the pursuit of trans-border fugitives in

74 Trade often blossomed in spite of conflict along confessional frontiers in medieval Iberia and the wider Mediterranean, see e.g. Olivia R. Constable, *Trade and Traders in Muslim Spain: The Commercial Realignment of the Iberian Peninsula, 900–1500*, Cambridge 1996. Restriction of trade, such as the papal prohibitions on commerce with Muslim lands, could stifle trade and foster animosity and competition between Christian and Islamic spheres. However, bilateral treaties between Islamic and Christian powers in the Mediterranean ‘allowed for Iberian Muslims to continue trading actively across the geo-religious divide’ as they often contained provisions that endorsed freedom of movement and protection of foreign Muslim as well as *mudájar* merchants (Brian A Catlos, *Muslims of Medieval Latin Christendom, c. 1050–1614*, Cambridge 2014, 69; cf. Robert I. Burns, “The ‘Guidaticum’ Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews”, *Medieval Encounters* 1, 1995, 51–113).

75 Anders Ándren, “Against War! Regional Identity Across a National Border in Late Medieval and Early Modern Scandinavia”, *International Journal of Historical Archaeology* 4, 2000, 322–24. Cf. Mikael Venge, “Bondefred og græsefred”, *Historisk tidsskrift* [DK] 14, 1980, 40–63.

76 Jukka Kokkonen, “Border Peace Agreements: Local Attempts to Regulate Early Modern Border Conflicts”, in Kimmon Katajala and Maria Lähteenmäki (eds.), *Imagined, Negotiated, Remembered. Constructing European Borders and Borderlands*, Münster 2012, 51. Cf. Michael C. Howard, *Transnationalism in Ancient and Medieval Societies: The Role of Cross-Border Trade and Travel*, Jeffersson 2012, which cited trade as the central motive for ‘transnationalism’ in ancient and medieval societies.

subsequent decades. Sources dealing with royal efforts to execute the rules established in 1266 are not readily forthcoming. The evidence that is available, however, suggests a general will on the part of the crowns to maintain peace with one another and to promote socialization, rather than segregation, along the frontier.

This was demonstrated first in 1312, when King Hákon v of Norway and King Robert I of Scotland sought a diplomatic restoration of peace following the outbreak of violence between their subjects along their frontier.⁷⁷ Our knowledge of the controversy stems from an agreement compiled by delegates of the Norwegian and Scottish kings in Inverness on October 29, 1312.⁷⁸ According to the document's account, three waves of conflict had unsettled Norwegian-Scottish relations in previous years, two along the frontier and one in mainland Norway. In the first, 'certain malefactors of the kingdom of Scotland' (*quosdam regni Scocie malefactores*) allegedly carried out an 'invasion' (*inuasionem*) of Orkney, seizing the Norwegian king's seneschal, Sir Bernhard Peff, and holding him under the threat of death until he freed himself by overturning his own goods as well as revenues collected from the isles on the king's behalf.⁷⁹ The onslaught apparently sprawled over a wide area, for the agreement also speaks of injuries committed in Shetland, suggesting that the attackers were not targeting just Peff. In a second wave, Hákon v's baillies and ministers in Bergen purportedly incarcerated burghers and merchants of St Andrews, confiscating their goods to the value of £600 sterling.⁸⁰ The agreement emphasizes the Norwegian king's culpability in the matter by pointing out that he was present in his kingdom when the arrests took place.⁸¹ In the third and final wave reported, an unnamed baillie of the Norwegian king in Orkney allegedly seized

77 Michael Penman points out that this was Robert I's first diplomatic accord with a foreign realm and was probably facilitated by his sister's position as dowager queen of Norway and Hákon v's widowed sister-in-law (Michael Penman, *Robert the Bruce. King of Scots*, New Haven and London 2014, 129).

78 *DN* 2, no. 114.

79 *Ibid.*

80 *Ibid.*

81 *Ibid.* Given the scarcity of evidence for direct Norwegian-Scottish trade, the presence of Scottish merchants in Bergen is noteworthy. Ian Whyte describes the two economies as competing rather than complementary, with both exporting leather and fish, and importing cloth, salt and grain (Ian D. Whyte, *Scotland Before the Industrial Revolution. An Economic and Social History C.1050–c. 1750*, New York 1995, 73). Crawford argued that Norwegian-Scottish trade had flourished throughout the Middle Ages, albeit via the Northern Isles (Barbara E. Crawford, 'Foreign Relations. Scandinavia', in Jennifer M. Brown (ed.), *Scottish Society in the Fifteenth Century*, London 1977, 94), adding that strongest commercial

Patrick Mowat (*Patricio de Monte Alto*), an armiger of King Robert, bound him in chains, and compelled him to purchase his life and freedom at a price of 40 marks.⁸²

While the agreement draws no direct link between the three incidents, it is conceivable that the arrests of Scottish merchants in Bergen and the Scottish armiger in Orkney were acts of retaliation in the wake of violence along the frontier.⁸³ Clouston viewed it as a fundamental clash of culture. For him, the 1312 accord provided patent evidence of the anti-Scots sentiment festering on the northern reaches of the frontier, advancing that 'to judge from the ungracious treatment [Scotsmen] received, [they] were regarded as highly undesirable aliens.'⁸⁴ Thomson views the violence as a spill over from the Scottish Wars of Independence, in which the Norwegian officials were somehow involved.⁸⁵ Crawford also concludes that it reflected endemic frictions along the frontier, suggesting that Orkney's unsettled governance at the time, which lacked an incumbent earl, created a power vacuum in which Scots and Norwegians contended for revenues and authority.⁸⁶

The degree to which frontier conflict was endemic is an area of later discussion. For the time being, the pertinent questions are whether kings initiated or endorsed violence against one another's subjects, and what measures they

relations grew from Scotland's involvement in the Baltic, which compelled them to make ties with Copenhagen (*ibid.*, 95).

82 *DN* 2, no. 114.

83 Thomson posits that the assault on Mowat was carried out in direct retaliation for the initial invasion by the unnamed malefactors (Thomson 2008, 149).

84 *REO*, xliv.

85 Thomson 2008, 148.

86 Crawford 2013, 315. The next earl of Orkney, Magnus IV, was presumably still a minor. Crawford notes that the period between 1231 and 1379 was 'bedeviled by minorities and abeyance' which produced a 'vacuum of authority and unleashed tensions' (Crawford 2013, 38). Magnus Jonsson, son of Earl John II, came into the wardship of Weland de Sticklaw upon commission of King Edward I of England, then overlord of Scotland in 1302 or 1303. The letter refers to Magnus as 'son and heir of the earl of Caithness' (*fuiz et heir le Counte de Cateneys*) (*The Antient Kalendars and Inventories of the Treasury of his Majesty's Exchequer*, vol. 1, ed. Francis Palgrave, London 1836, 128). For de Sticklaw's career and relationship to the earldom see Barbara E. Crawford, "Weland of Sticklaw: A Scottish Royal Servant at the Norwegian Court", *Historisk Tidskrift* 52, 1973, 329–39; *idem* "North Sea Kingdoms, North Sea Bureaucrat: A Royal Official Two Transcended National Boundaries", *Scottish Historical Review* 69, 1990, 175–84; *idem* 2013, 312–14. Magnus had reached majority by 1312, when he is listed as 'Lord Magnus, earl of Caithness and Orkney' (*domini Magni comitis Katannie et Orcadie*) while acting as witness to the agreement (*DN* 2, no. 114). He does not appear to have been of age when the attacks took place, however.

took to alleviate the conflict between them and their subjects along the frontier. King Robert I argued his innocence in the affair described above, claiming that he was ‘altogether unaware and guiltless of this assault and misdeed and of the damages stated’.⁸⁷ King Hákon v, by contrast, was given some blame for the injuries against Scottish subjects. Not only were the arrests of merchants in Bergen and Patrick Mowat in Orkney carried out by officials of the Norwegian crown, the king was accused of witnessing the merchants’ arrest, suggesting that he either personally commissioned or passively approved it.⁸⁸

While historians have previously associated these arrests with a growing anti-Scots sentiment on the part of Norwegian officials and the Norwegian king, one can just as readily view them as justified detainments following reports of injuries along the frontier by unknown assailants from Scotland. It was certainly not to be the first time that a Norwegian king held merchants responsible for attacks by their alleged countrymen. In 1247, for instance, King Hákon iv detained merchants and ships from Denmark and Lübeck under the suspicion that they were party to assaults on Norwegian merchants in the Baltic.⁸⁹ Presuming that the incidents were related, it stands to reason that the king and his officials, having not yet received justice or compensation for their losses, asserted their juridical authority by pursuing reparation from Scottish subjects in their jurisdiction. Robert I regarded these arrests as indiscriminate, overzealous and unjustified, a view that is hard to dispute given the Norwegian king’s willingness to restore the property losses incurred by the merchants and the Scottish armiger. Yet even with Hákon v’s implied admission of guilt, there is little room, at least at this point, for presuming that his actions were driven by a general sentiment of ill-will toward Scots.

A swift resolution appears to have been in the interest of all parties involved. Despite Robert I’s purported guiltlessness in the affair, his reverence for the Norwegian king, his cherishing of the long-standing peace between the kingdoms, and his will to maintain greater affection in the future compelled him to recompense the Norwegian king for damages done in Orkney to the amount of 600 marks sterling. That sum, which was to be turned over to the Norwegian envoys in St. Magnus Cathedral in Kirkwall, was to compensate the Norwegian

87 *DN* 2, no. 114: ‘huiusmodi perpetrati delicti et dampnorum datorum inscium’.

88 *Ibid.*

89 The king only released them and their goods after being convinced of their innocence by the papal legate in Bergen at the time, but also warned that merchants would be held accountable for future attacks (*HsH* 2, 22–23). The incident, as in 1312, prompted diplomatic action that ultimately achieved a peace between Norway and Lübeck in 1250 (e.g. *DN* 5, nos. 1–4). See Helle 1982, 378–79; Grohse 2015, 81–84.

king for his total remission on all claims of losses. At the same time, Robert I assumed responsibility for the punishment of the unnamed malefactors and their supporters. Related losses in Shetland would also be reimbursed by the Scottish king pending further enquiry into the extent of damage.⁹⁰ For his part, Hákon v agreed to release and fully restore the goods confiscated from the Scottish merchants in Bergen, as well as make good the losses sustained by Patrick Mowat, pending a faithful inquiry in the presence of men appointed by the Scottish king. The overall tenor of the agreement is cordial, and while accusations were levelled against the Norwegian king, both parties express their far-sighted interest in the preservation of good relations with one another and between their subjects along the frontier.

Fuelled by sporadic, rather than endemic tensions, the violence did not prompt revision of the terms of peace. On the contrary, the disagreement resulted in reiteration of the concord upon which goodwill was predicated. The same day, October 29, delegates of Robert I and Hákon v renewed the Treaty of Perth, carrying over all of the original terms, including those which promoted freedom of mobility.⁹¹ Theoretically, implementation of stricter regulations might have provided kings with legal justification for confiscating property and making liability suits against those who traversed the Norwegian-Scottish border without special allowance, as was the case with the Scottish 'malefactors' in Orkney.⁹² Yet neither the Norwegian nor the Scottish king appears to have been interested in tighter regulations of movement, which would only create new juridical burdens, foster animosity between the two crowns, and heighten tensions within the frontier communities.

As a final overture of peace, and in demonstration of the Scottish crown's affection for Orkney's most celebrated institution, Robert I confirmed an annual payment of £5 for bread and wine for mass at St. Magnus Cathedral, a gift that was perhaps initiated by Alexander III in 1266 and was regularly made by Scottish monarchs for the remainder of the Middle Ages.⁹³ Such a donation

90 Reports of damage in Shetland broadens the scope of unrest and may strengthen the theory that the violence was caused by itinerate, piratical groups with no anchorage in frontier community.

91 *DN* 19, no. 482.

92 *DN* 2, no. 114.

93 *RMS*, no. 19. There are multiple receipts of this annual donation. See e.g. *DN* 19, nos. 561, 562, 565, 582, 587 etc. Thomson suggests that King Alexander III had first begun this donation in connection with the Treaty of Perth, something which would exemplify the Scottish crown's interest in the prosperity of the church and town of Kirkwall as a secure meeting point for Scottish diplomatic agents (Thomson 2008, 149). Stephen Boardman links the donation to contemporary reports of St. Magnus of Orkney's appearance as a

was surely to reflect the Scottish crown's support of pilgrimage to the isles, or to otherwise finance the service attendance of Scots sojourning in the isles on other business. With the restoration of peace, Scots should resume their business in the isles and receive the sacraments alongside Norwegians and local islanders.

Amity along the frontier was tested again, this time more forcefully, when officials in Orkney were accused of providing shelter to known enemies of the Scottish crown in 1321. As noted previously, the open frontier posed challenges for the execution of justice since it enabled fugitives to flee, at least temporarily, into the neighbouring jurisdiction. Although the Treaty of Perth's interdiction on the harbouring of enemies was designed to counter this, King Robert I's letter to the 'appointed baillies of the lord king of Norway in Orkney' (*balli-vis domini regis Norvegie in Orchadia constitutes*), dated 4 August, 1321, reveals that local leaders had ignored the provision.⁹⁴ The king opens by referencing the 'many and various treaties' signed between previous kings of Norway and Scotland and recently renewed by himself and the late King Hákon v.⁹⁵ He continued by recounting the terms, recalling that no fugitive should be given refuge in the realm of the other king, and that any transgressor of the terms should bear the penalty of 10,000 marks.⁹⁶ The baillies, however, were allegedly harbouring Alexander Brown, 'our enemy, convicted of the crime of treason' (*inimicum nostrum, super crimine lese maiestatis convictum*), and ignored requests by Sir Henry of Sinclair, the royal baillie in Caithness, to deliver him into Scottish custody.⁹⁷ Robert I continued, saying that 'you not only rashly violate the aforesaid conventions in this matter, but also have men of our nation

knight in shining armor to the townspeople of Aberdeen, foretelling the Scottish victory at the Bannockburn in June, 1314. In contrast to Thomson, Boardman assumes that the donation began during the reign of King Robert I. Although it was diverted to the monastery of Scone under King Robert III, the bishop of Orkney again became the beneficiary of the annuity in the first or second decade of the fifteenth century (Stephen Boardman, "The Burgh and the Realm: Medieval Politics, c. 1100–1500", in Patricia Dennison, David Ditchburn and Michael Lynch (eds.), *Aberdeen Before 1800. A New History*, East Linton, 2002, 206).

94 DN 5, no. 68. The letter's composition is outstanding, its format unusual (Crawford 2013, 315).

95 DN 5, no. 68, referencing DN 19, no. 482.

96 DN 5, no. 68.

97 Alexander Brown's identity is not readily apparent, although Crawford posits that he was perhaps a relative of Richard Brown, one of several conspirators who had been sentenced to be hanged, drawn, and beheaded at a meeting of parliament at Scone in August the previous year (Crawford 2013, 315–16; Barrow 2005, 403). Alexander Brown was pardoned by King Edward I of England in 1321 (RN 4, no. 126; Crawford 2013, 316).

dwelling among you in a way they should not, or as men of your nation dwell among us'.⁹⁸ In contrast to those criminals who purportedly used their island haven as a base from which to harass the kingdom of Scotland, faithful subjects of the Scottish crown were refused shelter.⁹⁹ Robert I also enquired into the head culprit in the matter, requesting the baillies to report back on whether the transgressions were carried out on their own accord or on the instruction of the king of Norway.¹⁰⁰ The matter would not be taken lightly despite a history of amicability between Scotland and the isles, and Robert I warned that conditions for the baillies and others in the country of Orkney would worsen in time.¹⁰¹

It is notable that Robert I addressed the Norwegian king's baillies in Orkney, rather than appealing to the king or his named diplomatic representatives. In contrast to the situation in 1312, when direct and amiable correspondence between the Norwegian and Scottish crowns provided the basis for a quick resolution, Robert I was evidently sceptical of the Norwegian king's ability to assist in restoring peace in 1321. This probably reflected the unsettled state of dynastic affairs in Norway, where the elected king, Magnus VII, was a mere five years old at the time.¹⁰² Although under the competent tutelage of his mother, Duchess Ingeborg, daughter of the late King Hákon V, the regency government set up around the young king is said to have reoriented its attention away from traditional regions of expansion in the west, placing greater emphasis on inner-Scandinavian and Baltic affairs.¹⁰³ Norwegian royal government apparently had little or no direct interaction with Scotland around 1321, a lapse in communication that may have fuelled the Scottish monarch's suspicions of

98 *DN* 5, no. 68: '*vos non solum dictas conventiones in hoc temerarie violasse, verum etiam ex eo, quod homines nostre nationis apud vos habitantes, non eo modo quo deberitis, aut sicut vestre nationis homines apud nos pertractantur*'.

99 *Ibid.*

100 *Ibid.*

101 *Ibid.*

102 The royal union between Norway and Sweden was inaugurated in 1319 under the auspices of 'the honorable lady Ingeborg, by the grace of God daughter of lord Hákon, Norway's king, duchess of Sweden' (*æreleghre fru Ingibiorghu með guðs miskunn. dottor herra Hákonar Noreghs konunghs fyrnæmfðz. heertoghinnu j Suiariki*), together with royal councillors of Norway and the general electorate of Sweden (*DN* 8, no. 50).

103 Duchess Ingeborg's political interests are reflected in, for example, her fostering of relations with the Danish knight Knut Porse and the territorial claims in the Danish territories of Halland and Samsø. See e.g. Grethe A. Blom, "Ingebjørg med Guds miskunn kong Hákons datter, hertuginne av Sviarike. Bruddstykker av et kvinneportrett", *Historisk Tidsskrift* 60, 1981, 422–54.

treachery. Robert I's apprehension, that the Norwegian king may have had a hand in the harbouring of fugitives in Orkney, was probably motivated more by a lack of insight into developments north of the frontier than by plausible suggestions from informants.

The want of communication with and cooperation from the Norwegian royal court prompted Robert I to address the baillies in Orkney directly, indicating that the Scottish crown was willing to meddle in frontier affairs without invitation from Norway. We should, however, appreciate his careful respect of Norwegian dominion. By referencing the terms of the treaty, which distinguish sharply between the Norwegian and Scottish 'kingdoms' (*regnorum*), he clearly respected Orkney's position within the royal dominion of the Norwegian crown.¹⁰⁴ At the same time, he may also allude to the distinct communal identity of the Orcadians, when referring to 'the inhabitants of the land of Orkney' (*terre Orchadie incolas*) and 'your nation' (*vestre nationis*) (see Chapter 6).¹⁰⁵ Despite this differentiation, the local officials were held to the terms established and renewed by kings, and were subject to the rule of Norwegian kings.

The incident in 1321 may reveal a more fundamental change in the Norwegian crown's approach to the frontier. Without any apparent motives for supporting the harbouring of Scottish felons in Orkney, one can only imagine that the central state government in Scandinavia had grown detached from the affairs in the region following the death of King Hákon v in 1319. Unlike Norway's old, autonomous royal house, which could direct its attention largely toward the cultivation of the mainland kingdom and its western provinces, the union monarchs of the fourteenth and fifteenth centuries were challenged to balance their affairs in mainland Norway and the western tributary countries with those in the more lucrative eastern patrimonies in Sweden, Denmark and adjacent principalities lining the Baltic.¹⁰⁶ Scholars in Norway and elsewhere

104 DN 5, no. 68.

105 Ibid.

106 In Norwegian historiography, the personal union between Norway and Sweden, initiated with the succession of King Magnus VII following the death of Norway's last singular monarch, Hákon v, initiated 'the political turn of Norway toward the east' (Wærdahl 2011, 207), as relations in Sweden took precedence in the political agendas of Norway's political elite (Moseng et al. 158; Imsen 2014, 25–26). The first major changes in the governmental structure of the realm came in the later fourteenth century, following the massive demographic and economic crisis of in the wake of the Black Death and the establishment of the Kalmar Union in 1397. This is traditionally viewed as an era of general 'decline' in Norwegian history, although its extent and character have been debated. See e.g. Oscar A. Johnsen, *Norgesveldets undergang. Et utsyn og et opgjør*, Christiania 1944; Johan Schreiner, *Hanseaten og Norges nedgang*, Oslo 1935; Andreas Holmsen and Jarle Simensen, eds.,

have often viewed Norway's entry into the Scandinavian dynastic unions as a harbinger of 'national decline' and the loss of political independence, developments that also manifested themselves in the negligence of the old crown dominions in the Norse Sea and the North Atlantic.¹⁰⁷

Imsen has more recently proposed that the realm of Norway, including the tributary countries, did not disintegrate as a political unit, but rather were compartmentalized as a federalized 'commonwealth' administered largely by provincial communes.¹⁰⁸ Despite attending first and foremost to local interests, these dominions remained loyal to the crown, upholding its laws and appealing for royal intervention when controversies exceeded the scope of local jurisdiction. Such a model may have been taking shape in Orkney around 1321. If so, it must have been in an early stage of development, for the local governmental apparatus in Orkney headed by the baillies and perhaps supported by the local community, the 'inhabitants of the land of Orkney', was failing to uphold the terms of peace that had previously regulated frontier activities. Unfortunately, we do not know how the controversy was resolved, although the lack of any further reference to the affair may suggest that the baillies heeded the Scottish king's admonishments.

Mobility along the frontier did not stop in the years after 1321. Although sources are too sparing to reconstruct the nature and trajectory of cross-border movement at this time, the emergence of officials, noblemen and noblewomen with identifiable roots in Scotland suggests that there was continued aristocratic immigration to the isles in the thirteenth century.¹⁰⁹ The next evidence for royal intervention in movement along the frontier comes from King David II's aforementioned interdict on certain forms of travel to Orkney in 1358. Provocation for this came a year earlier, in 1357, when Duncan Anderson threatened to arrive in the isles and seize revenues from the then vacant earldom.¹¹⁰ In a

Norges nedgang. Senmiddelalderen, Oslo 1968; Moseng et al., 255–60, 268–389; Imsen 2002. The unions' implications for Norway's relations to its tributary countries are discussed most thoroughly in Wærdahl 2011, 207–71.

107 Idem 2010, 36–37.

108 Imsen 2010, 30.

109 This is based on later documents from e.g. 1364 (*REA*, 106–07) and 1369 (*DN* 1, no. 404), both of which show officials and local inhabitants with names and surnames with a Scottish origin (see Chapter 6).

110 Crawford posits that Anderson 'was chief of the Clan Donnachie, a powerful clan in Atholl' (Crawford 2013, 322). William Forbes Skene related that '*Duncanus de Atholia filius Andreæ*' was known as the Reamhair, or the Fat, and augmented his ancestral lands and 'attained to very considerable power at that time' and was 'in possession of extensive territories in the wilder and more mountainous parts of the district of Atholl' (William

letter addressed to Kings Magnus VII and Hákon VI, the people of Orkney, styling themselves as ‘your community of Orkney’ (*communitas vestra orkaden-sis*), relayed a message sent by Anderson, a ‘potentate in Scotland’ (*potens de Scocie*), in which he announced to the local inhabitants that he held the legitimate heir of Malise, late earl of Orkney, in his custody, and was thus entitled to collect the ‘fruits and farms of the earldom’ (*fructus et firmas dicti comitatus*), which until then had been wrongly sequestered by agents of the Norwegian king.¹¹¹ Those revenues, Anderson added, should be kept in the isles until he could arrive in Orkney and personally present his ward as successor. Failure to do so, he threatened, would result in a fine double the amount transported to Norway.¹¹²

Anderson’s presumptions were irreconcilable with Norwegian laws pertaining to baronial offices, which could only be activated pending review and confirmation by the Norwegian king. The community of Orkney probably recognized this when they relayed the case to the Norwegian crown. Anderson either disregarded or was unaware of that custom, and was set to seize authority over the isles without a royal mandate. Anderson’s status as a ‘potentate’ may have provided him with the means to impose his authority illegally through military force. Most likely responding to the Norwegian kings’ petition for support in quelling that threat, King David II issued his ordinance prohibiting all unlawful activities across the border in Orkney.¹¹³ Brief as it is, the letter provides a bounty of information about conditions along the frontier. It offers patent evidence for regular movement between Scotland and the isles, revealing Orkney to have been a destination for Scottish pilgrims and merchants, activities that should have been facilitated through the terms of peace established

F. Skene, *The Highlanders of Scotland. Their Origin, History and Antiquities*, vol. 2, London 1837, 145–46).

111 DN 2, no. 337.

112 Ibid. As benefices of the earldom grant, the revenues fell to the crown and should not legally come into the custody of presumed heir’s ward without first receiving royal confirmation. A note from a catalogue of elder deeds from Akershus in 1494 may reveal the crown’s efforts to underscore its right to collect revenues from the vacant earldom around this time: ‘Item a special degree that the king of Norway shall uplift all revenues from Orkney until the right heir comes and claims that from the king’ (*Item eit besynnerlige domsbreff at koningen aff Norege skall opbære all renthe af Orkenøyn swa lenge till ret erffwing kommer oc anamer that aff koningen*) (DN 6, no. 619). The original may have been issued in the wake of the 1357 affair.

113 DN 3, no. 358: *terras aut portus Orkadie modis aliquibus intrare presumat nisi causa peregrinationis aut exercendi mercimonii, vel in aliis negotiis pacificis*.

first in 1266, but also outlaws who threatened the peace.¹¹⁴ It also highlights the Scottish crown's regard for itself as an ally and protector of Norwegian interests. Unlike Anderson, who was willing to disturb public order in the isles and infringe on the rights of the Norwegian crown, David II was determined to take juridical action against anyone who threatened the welfare and prosperity of the Norwegian king. By extension, it underscores the fact that the divisive activities of aristocrats in the region were not necessarily in keeping with the strategies of Scottish kings, who might support the preservation, rather than erosion of Norwegian power in the isles. David II did not release the ordinance on his own initiative, but at the request of Norwegian authorities.

At no point in the remainder of the Middle Ages do we find a comparable scrutiny of large-scale movement as that witnessed in 1358. Locals were given the freedom to negotiate cross-border interactions without appealing to higher authorities for a license, enabling them to welcome pilgrims and merchants, and bar unruly outsiders more effectively and at will. Norwegian regulation of mobility was limited to specific individuals whose activities were deemed threatening to royal interests or civic order. The foremost example of this was Malise Sperra, a claimant to the earldom of Orkney whose manoeuvres in the isles were monitored by officials in Norway. After losing his bid to the earldom to his cousin, Henry I Sinclair, in 1379, Sperra attempted to establish his position in Shetland through the appropriation of estates from Norwegian landowners.¹¹⁵ First deemed illegal by a royal steward in Bergen in 1386, Sperra's activities in Shetland were subsequently confirmed to be illicit by the lawman in Bergen.¹¹⁶ Although socially and politically marginalized, Sperra was not, however, barred from residing or traveling through the isles.

Less intent on containing movement than promoting it, royal charters for the isles included clauses that implicitly or explicitly permitted the recruitment of foreign agents from Scotland. When King Hákon VI confirmed Henry I Sinclair's succession to the earldom in 1379, he encouraged his new earl to make full use of his contacts in Scotland, demanding that he build up

114 Writing in the early eighteenth-century, Icelandic-Danish historian Torfæus believed that King David II's ban was prompted by the threat of piracy in the region, and explains that 'in those days the isles were so infested with Scottish piracy' (*quod scilicet per eos dies adeo infestarentur eae insulae Scotorum piratica*) and that they were exposed and frequently violated (*Historiæ Orcadensis*, 174).

115 Crawford 2013, 342.

116 *DN* I, no. 501. It is not clear what pretexts Malise Sperra had for staking his claim to lands in Shetland, although a patrilineal kinsman was mentioned in the oldest surviving document from Shetland from 1299 (*DN* I, no. 89), which indicates that Malise indeed held family land there, even if he himself was an outsider.

his military apparatus using not only the native inhabitants of Orkney, but also the full strength of his social and familial networks in Scotland.¹¹⁷ These Scottish associates could come freely to the isles as long as they obliged themselves faithfully to serve the king and defend his dominions along the frontier. Crucially, Henry I was to further cultivate good relations with Scottish magnates by ensuring their securities, a task that involved extensive travel to and from the isles, Scotland and Norway.¹¹⁸

If the Norwegian crown's policy toward free movement along the frontier has been portrayed in a largely positive light up to this point, there are certainly caveats in arguing the benefits of the approach adopted by kings. In 1416, Earl Henry II appointed his Scottish brother-in-law, David Menzies of Weem, to act as 'tutor testamentary' of his heirs and heirs' property in Orkney.¹¹⁹ Constituted using a uniquely Scottish customs of property devolution, the guardianship arrangement was fundamentally incongruent with local Norwegian law.¹²⁰ King Eric III nonetheless granted him executive powers in Orkney in 1423 and pledged to respect the rights that his foreign grant of tutorship awarded him.¹²¹ With essentially no regulation over whom Menzies recruited to act as his deputies, Menzies introduced foreigners from Scotland who, in the testimony of the people of Orkney, greatly ruined the country.¹²² If the crown was then unaware of the tribulations brought on by the indiscriminating tolerance of foreigners in Orkney, the extent of the inhabitants' suffering was soon articulated to them. Writing to Queen Philippa in 1425, the people of Orkney bemoaned the influx of 'foreigners who have been appointed governors in our affairs'.¹²³ We do not have a record of the queen consort's response, but there is nothing in the record that indicates that the crown enforced any new regulations on foreigners in Orkney.

1.6 Conclusion

By the mid-fifteenth century, there is a seeming absence of royal attention to movement along the frontier. As suggested previously, this may suggest a

¹¹⁷ *DN* 2, no. 459.

¹¹⁸ *Ibid.*

¹¹⁹ *Monzie Papers*.

¹²⁰ Grohse 2014a.

¹²¹ *DN* 2, no. 676.

¹²² *Ibid.*, 691.

¹²³ *DN* 6, no. 423.

tendency toward neglect, with the Norwegian crown failing to regulate movement when and where it should have. As we will see later in this study, the lack of royal intervention in matters of frontier mobility could have placed too much responsibility on the shoulders of local officials, who were at times ill equipped to halt the entry of opportunistic and exploitive foreigners. Even if a lack of sources prevents us from estimating the scale of immigration, we can appreciate its impact on the cultural character of the isles. By the mid-fifteenth century, Scots English had largely replaced Norwegian as the primary language for public discourse in the isles, a shift that, if not necessarily impelled by the mass relocation of Scots-English speakers, was at least encouraged by frequent socialization between Norse-speaking islanders and their Scots-speaking neighbours. At times lamented by antiquarians, the attenuation of the Norse tongue among Orkney's elite was clearly a by-product of trans-regional mobility, a phenomenon that Norwegian and Scottish rulers did little to inhibit, and much to promote.

The establishment of a border for Norwegian and Scottish dominion in 1266 did little to inhibit movement between Orkney and the Scottish mainland. In terms of inter-cultural exchange, the situation was little changed from the early Middle Ages, which saw the confluence of Norse and Scottish populations and the organic and continual transfiguration of different frontier communities. In this respect, late medieval Orkney was, and had long been, a zone of cultural convergence. Yet, despite the permeability of the Norwegian-Scottish border, we should not assume this to be contradictory to the will of central state authorities. The terms of Norwegian-Scottish treaties render the border as an artificial jurisdictional boundary, rather than a mechanism for social segregation.

Admittedly, most of what we know about frontier mobility stems from a few episodes of controversy. However, we can note that of the roughly two centuries of movement between the isles and the mainland, only a handful of controversies arose which prompted mention in contemporary documentation. Given the formal acceptance of movement between jurisdictions, it is unsurprising that the entry and exit of Scots into Norwegian jurisdiction raised so few eyebrows among contemporary observers.

Lordship, Loyalty and the Earldom of Orkney

In August 1379, King Hákon VI of Norway and sixteen knights and armigers of Norway's council of the Realm assembled in Marstrand, on the eastern coast of present-day Sweden, in anticipation of a host of prelates and noblemen arriving from the kingdom of Scotland. Their aim was to bear witness to the restoration of a frontier institution, the earldom of Orkney, and the confirmation of its illustrious recipient, Henry I Sinclair. While Henry I had no doubt been in contact with the Norwegian king and his officials on prior occasions, he was still very much a newcomer to the political scene in the realm of Norway, and retained honours that marked him as a Scottish nobleman. His roots lay in Lothian, in Lowland Scotland, and he arrived in Marstrand under the prestigious designation of lord of Roslin. Accompanying him was an entourage of Scottish knights and esquires, most of whom had probably never before set foot on Scandinavian soil. Despite the seemingly 'foreign' nature of the arriving party, its leader, Henry I Sinclair, was introduced into the top rung of the political hierarchy of the Norwegian realm. By a kiss of the hand and mouth, Henry I pledged his fealty to the Norwegian crown and was therewith made earl of Orkney.¹

In older scholarship, Norway's loss of authority in Orkney in the fifteenth century is said to reflect the gradual de-nationalization of governance in the isles. According to Munch, this was a top-down process that began with the ascendancy of Scottish lines of earls, trickling through the ranks as earls delegated land and authority in local arenas to their kinsman, friends and associates from the Scottish mainland.² The earldom's 'Scottification', it is said, began in earnest with failure of the 'Norse' line of earls with the death of Earl John I in 1231, and the succession of the Scottish-based Angus line with the succession of Earl Magnus II several years later.³ The house of Angus held Orkney

1 DN 2, no. 459.

2 Munch 1858, 465; idem 1863, 102. Munch argues that process did not begin until the fourteenth century, for the population of the isles before that time was 'thoroughly Norwegian' (*igjennem norsk*) (idem 1858, 465). Cf. Brøgger 1929, 166–97; Holmsen 1939, 368.

3 Crawford 2013, 278–82. Earl John has been portrayed as the last of the Norse earls in older research. Joseph Anderson, for example, says that 'the ancient line of the Norse Earls, that had ruled the Orkneys since 872 – a period of 350 years – became extinct, and the earldom passed into the possession of the house of Angus' (Joseph Anderson, introduction to *The Orkneyinga Saga*, Edinburgh 1873, xlvi). Earl John's death, which Anderson called a 'tragic

for roughly a century until the death of Earl Magnus v sometime around 1320, from which point the earldom sank into a long period of abeyance during which the country was governed principally by royal baillies or higher-ranking governors with fixed terms in office. The restoration of the earldom with the succession of Earl Henry I Sinclair is often viewed as heralding the demise of Norwegian power in the isles, for the Sinclairs, with their origins and family seat in Roslin in Midlothian, were too ingrained in Scotland's aristocratic society to ever devote their loyalties fully to the distant and culturally alien kings of Norway.⁴ Henry I's successors, Henry II and William I, also introduced men from their Scottish homelands to fill tenancies and executive offices in both Orkney and Shetland, veritably saturating the communal secular elite with Scottish stock.⁵ From this perspective, we must imagine the higher social and political echelons of frontier society falling like dominoes in the direction of the Scottish mainland.

Given that the 'process' of alienation began as early as 1230s, we must question why Norway's kings were so willing, time and again, to relinquish authority to vassals and officials with such divisive connections to a foreign power. One explanation could be that Norway's rulers were simply incapable of deflecting the Scottish claims in the isles. Indeed, this must have been the case for landownership, which could pass to Scottish émigrés in allodium without any intervention by the Norwegian crown.⁶ This too would account for the

and ill-omened event' (ibid., xlv), has also been portrayed – intentionally or otherwise – as the start of a downturn in the history of the isles. Thomson, for instance, notes that 'it is difficult to avoid the conclusion that, with the accession of the Angus earls, the great days of medieval Orkney had come to an end' (Thomson 2008, 136). In truth, there had already been significant acculturation with neighbouring Scottish communities. This is evident in the ancestry of Earl Harald Maddadson, who was the son of a Gaelic mormaer of Atholl (Crawford 2013, 177–78). Although the new line appears to have fostered a Norse naming tradition – invoking the power of ancestry with the name Magnus – Crawford emphasizes that the Angus earls 'would have been thoroughly assimilated into mainstream Scottish nobility' and that the Scottish crown looked upon the dynastic shift as a means of strengthening its control on the earls' Scottish patrimony, Caithness, and further influence frontier affairs (ibid., 279).

4 Munch 1863, 102.

5 Ibid. Still an orthodoxy in Orkney historiography, Alexander Fenton noted that in 'the first period [of "scotticisation"]', starting before the fifteenth century, the lords and earls, the civil servants, the ministers of the church (often the younger sons of landed gentry), and others involved in the administration arrived' (Alexander Fenton, *The Northern Isles: Orkney and Shetland*, East Linton 1997, 7).

6 Odal (*óðal*) or allodial inheritance gave agnates privileged inheritance and redemption rights to patrimonial land. See Knut Robberstad, Magnús Már Lárusson and Gerhard Hafström, "Odelsrett", *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*,

devolution of private lands owned by the families of earls, which could be passed on by the same algorithms of inheritance dictating property devolution at other levels of society.⁷ It does not, however, explain why Norway's kings granted these would-be usurpers public executive office. As Imsen reminds us, 'the king alone could make earls, and he could freely dictate the structures of governance in Orkney by maintaining, suspending or even abolishing the office of earl, something that was done in Shetland in 1195 and in the rest of the realm in 1308'.⁸ With this in mind, we must consider an alternative: kings of Norway perceived no fundamental danger in delegating authority to men with close ties to Scotland, or had no qualms about doing so. Sources suggest that kings even viewed such cross-border associations as having potential benefits for maintaining peace and stability along the frontier.

2.1 Restoration and Reform

The Norwegian crown's willingness to delegate authority to earls with strong ties to Scotland is initially surprising given the complexity and turmoil caused by dual allegiances during the Norwegian-Scottish conflict of 1263. In the months preceding the Norwegian naval campaign, Earl Magnus III conveyed his fealty to the Norwegian crown by visiting King Hákon IV in Norway during the assembly of the king's naval levy.⁹ At the helm of an impressive longship given to him by the king, the earl set sail with the Norwegian fleet, landing first in Shetland, before venturing further to the earl's Orcadian stomping grounds. There, the king's men traversed the Pentland Firth, placing a heavy 'tribute'

vol. 12, 1967, cols. 493–503; Knut Robberstad, "Udal Law", in Donald J. Withrington (ed.), *Shetland and the Outside World, 1469–1969*, Oxford 1983, 49–68.

7 The extent of odal land in Orkney has at times been exaggerated. E.g. John Shirreff, *General View of the Agriculture of the Orkney Islands*, Edinburgh 1814, 30: 'when the Orkney islands were under the government of Norway, the lands were mostly allodial or udal, not being held by feudal tenure, and subject only to the tax of scat and tithe'. Thomson's estimates, however, that roughly 20% of assessable land in Orkney was land *pro rege* or 'kingsland' belonging first to the Norwegian crown, and later to the Scottish. An additional c.10% belonged to the earldom, and an additional 12% to the private estate of the earls (Thomson 2008, 226–27; cf. Peter Anderson, *The Stewart Earls of Orkney*, Edinburgh 2012, 46). Given that bishopric lands made up roughly the same amount as the 'kingsland' and earldom lands combined (c.30%) (Anderson 2012, 48), it is apparent that a minority of properties (c.30%) were held by 'odallers'.

8 Imsen 2009, 17–18; *DN* 11, no. 6.

9 *HsH* 2, 123.

(*gjald*) on the men of Caithness.¹⁰ Crawford proposes that in witnessing Hákon IV's harsh treatment of men in his Scottish lands, Magnus III may have been discouraged from supporting the Norwegian cause.¹¹ If displeasure with the king's tactics were not enough to weaken his loyalties, then pressure from the Scottish king must have forced his hand, finally compelling him to renege on his obligations to Norway. Buckling to the demands of Alexander III who took hostages in Caithness, Magnus III appears to have vanished from the scene in the north, withdrawing, unnoticed by Norse narrators, to the Scottish mainland.¹² Thus, the earl was not only absent from the fighting between Norwegian and Scottish forces at Largs, but also abandoned Orkney to the threat of a Scottish invasion. Such an offence to the feudal obligations owed by earls as vassals was *nearly* beyond reprieve.¹³

Despite his transgressions, Magnus III was pardoned and reinstated as earl at a meeting with King Magnus VI in Bergen in 1267, only a year after the establishment of a Norwegian-Scottish peace. The precise circumstances leading up to their summit are unknown, although the encounter is described briefly in the earliest extant version of *Hirðskrá*, the codex dictating duties and obligations and royal vassals:

First Orkney, [over which an earl is to be placed] in accordance with the terms of the treaty of King Sverre and Earl Harald, and with those other additional provisions which appeared in the agreements of King Magnus

10 Ibid., 124–25.

11 Crawford 2013, 299. Crawford prudently underscores the earl's position with respect to Scotland vis-à-vis his earldom of Caithness. Magnus III's 'conflicting loyalties', she explains, 'were going to be stretched impossibly at this testing time' (ibid., 298). Although *Hákonar saga* describes Hákon IV's demand for payment from the people of Caithness as a peace offering, Crawford explains that 'it would not have enamoured the men of Caithness' (Crawford 2013, 299).

12 In 1263, the sheriff in Inverness recorded the capture of hostages in the north and west (ER, 13, 19), and in 1265, a fine of 200 cows was placed on the people of Caithness (ibid., 19–20). See Crawford 2013, 300–01.

13 Hans Jacob Orning views the fallout between Hákon IV and Magnus III as illustrative of the growing pains that afflicted Norwegian lordship in the mid-twelfth century, as Norway's kings demanded an absolute form of loyalty that transcended the traditional face-to-face dimensions of lord-vassal relations (Orning 2008, 178–80). Like Thomson (Thomson 2008, 113), he believes the increasing stringency of Norwegian lordship precluded their vassals from pledging support to other lords (Orning 2008, 178–79). If the crown's authority was, in theory, omnipresent in the late thirteenth realm of Norway, it is questionable whether that respect of that authority necessarily precluded all foreign loyalties.

Hákonsson and Earl Magnus Gillbertsson when they were reconciled/settled in Bergen in the third year of the reign of King Magnus Hákonsson, when twelve hundred and sixty-seven years had passed since the birth of Lord Jesus Christ in the fourth year of King Magnus Hákonsson's reign.¹⁴

Use of the term 'reconciled' or 'settled' (*sættotzt*) indicates that the Norwegian king and Orkney earl had, in fact, been estranged in the wake of the earl's dereliction.¹⁵ What motivated Magnus VI to reinstate a proven deserter with strong ties to the Scottish king, the principal foreign contender for power in the region? The king might have instead opted to emulate King Sverre, who, in response to Earl Harald Maddadson's disloyalty in 1194, extracted Shetland from the earldom of Orkney and placed it under the direct authority of the king and his administrators. Despite what appears to have been an equally expedient opportunity to replace the earldom with a form of shrieval governance, Magnus VI recalled the wayward earl to power.

Establishment of peace in 1266 between the earl's two lords, the king of Norway and the king of Scots, undoubtedly placated the tensions that drove Magnus III to infidelity in 1263. No longer forced to choose between belligerent parties, earls and other local leaders could maintain amicable, functional relations with Norway and Scotland without infringing upon their fealty to one or the other. And as the earldom of Orkney had long been held in tandem with the Scottish earldom of Caithness, the holders of that office could serve as mediators between two distinct yet politically cooperative realms. So long as the kingdoms remained on good terms with one another, greater stability in their

14 *Hsk*, 80: 'fyrst orknæyar við þui skilorde sem vattar sættar skra suærris konongs oc haralðar jarls. Oc med þeim fleirum æinka malom sem komo .i. sættar giæ|rd þæira. Magnus konongs Hakonar konongs sonar oc Magnus. Jarls. Gillibærz sonar þa er þæir sættotz .i. bio'g'vin. Þa er lidnir varo fra burdar tið vaars herra ihesus krist þusundrað vættra tvau hun|ðrað vættra. A. fiorda are rikis Magnus konongs sonar Hakonar konongs'.

15 The term 'settled' (*sættotzt*) can be misleading, depending on the context. Despite being described as a reconciliation or agreement, the assembly in Bergen in 1195 was not an ordinary court, but rather an assembly of royal retainers (*hirðstefna*), and while the parties supposedly sued each other, King Sverre 'was both party and judge' (Imsen 2000, 165). Imsen relates this to a similar 'unequivocal acceptance of royal superiority' by Earls Harald's successors in 1210 (cf. *Sagaen om baglere og birkebeinere* [Bs], transl. Gunnar Pedersen, in *Norges kongesagaer*, vol. 3, Oslo 1979, 339–40; Wærdahl 2011, 79; Crawford 2013, 263), adding that 'the earls of Orkney were degraded from being dependent princes paying tribute and some lip service to their Norwegian suzerain, and became royal liegemen and governors' (Imsen 2000, 165). The hierarchy of power established at the meeting in Bergen in 1195 remained in force in 1267 (ibid., 169; cf. Crawford 2013, 303–06).

common frontier might be achieved by relying on the bilateral observance of the leading local secular leader by both the Norwegian and Scottish crowns.

A simple reinstatement of the earl under the existing conditions for office was not, however, conducive to the new strategies for civic governance along the frontier. *Hirðskrá* mentions 'additional provisions that came into effect' in the wake of the 1267 settlement.¹⁶ It has been suggested that the 1267 settlement was aimed at hemming in the autonomy previously enjoyed by earls in civic administrative and military affairs.¹⁷ This conclusion is based on a comparison of the terms of office as relayed in *Hirðskrá* with those known from narrative accounts of a preceding accord between King Sverre and Earl Harald from 1195, the older of the two named precedents for Norwegian-Orkney relations in *Hirðskrá*.¹⁸ Wærdahl, for instance, posits that 'if anything, the earl's position was further weakened, and it is difficult to believe that he subsequently enjoyed full right to govern his earldom'.¹⁹ Crawford also speculates that the terms entailed constraints on the earl's dealings with the Scottish king, the preservation of royal rights to lands in Orkney, and the earl's involvement in administering justice in accordance with the king's strategies for legal

16 *Hsk*, 80: 'flæirum æinka malom sem komo .i. sættar giærd'.

17 Imsen 2000, 175; Wærdahl 2011, 85; Crawford 2013, 304–05. The demotion represented a continuation of the same process by which King Sverre had begun to subjugate and envelop the earldom under the mantle of royal authority in 1195. The 1267 accord was another step by which earls were brought within 'the constitutional parameters defined by Norwegian law' (Imsen 2009, 18).

18 *Hsk*, 80. The root of conflict in 1195 lay in Harald's support of a campaign in mainland Norway to overthrow Sverre and replace him with Sigurd Magnusson, the underage son of the late King Magnus v. A force of island warriors known as the 'Island-Beards' (*eyjarskeggjar*) sailed to Norway where they seized Tunsberg and brought about the boy's proclamation as king before a district assembly. King Sverre quelled the rebellion at Florvåg. Seeking to quell retaliation for his insurrections, Earl Harald travelled to Bergen along with Bjarne Kolbeinsson, Bishop of Orkney, with a plea for clemency. There, before the king and an assembly of liegemen, bishops, and magnates, the earl admitted his insurrection and accepted the king's harsh terms. According to *Sverris saga*, the earl surrendered Shetland completely, the king confiscated the private estates of warriors fallen in the uprising, and the king took half of all penal fines and installed 'sheriffs' (*sýslomenn*) (Ss, 132). Thomson calls the 1195 settlement 'the single most important event which shaped Orkney in the later Middle Ages' (Thomson 2008, 121). The events surrounding Earl Harald's subjugation have been the subject of considerable study. See e.g. Clouston 1932, 130–34; Crawford 1971, 144–52; idem 2013, 242–46, 259; Thomson 2008, 120–27; Imsen 2000, 164–66; Orning 2008, 191, 226–27; Wærdahl 2011, 71–78.

19 Wærdahl 2011, 85.

reform.²⁰ According to Imsen, such restrictions aimed to remould the earldom from an autonomous chieftainship into an appendage of royal governance. Earls should no longer regard their authority as a right, but rather as a privilege of royal grant, and consequently advance the interests of the crown more fervently than their own.²¹

The terms outlined in *Hirðskrá* are, however, almost completely void of references to intensified civic administration, mentioning only the earls' 'independent authority to collect fines mercifully and in accordance with the law, in the part of the country that the king assigns to him'.²² With no system for auditing the earl's revenues from fines, their collection should not be seen as a civic administrative duty so much as a benefice granted by the king in good faith.²³ Nor was this authority a novelty. King Sverre had granted Earl Harald the same freedom to collect and enjoy fines, albeit under the supervision of a royal sheriff, in 1195.²⁴ Greater attention is devoted to the military obligations of the earls and the constraints placed on their dealings with foreign powers. Following the trend set by previous studies, speculating on the amendments introduced in 1267 should lead us to focus more on these features than on any other. While defence is not mentioned as a feature of the 1195 accord, *Hirðskrá's* exposition is dominated by references to the earls' martial duties to the crown and the limitations on their autonomy in matters of war. Upon installation, they were

20 Crawford 2013, 304–05.

21 Imsen 2000; idem 2009, 18; Wærdahl 2011, 85; Crawford 2013, 305.

22 *Hsk*, 85: '*fríallslega raða firir þeim luta landz sem konongr fær honum at sakar öyri æftir logum með miskunn*'.

23 Although Norwegian sheriffs retained a portion of revenues from fines as remuneration for service, they were also subject to royal scrutiny and bound to submit annual accounts to their kings (Wærdahl 2011, 145). The fief-holding system of the late medieval period, by contrast, allowed officials, like the earl, to retain most or all revenues in exchange for a *ferme* (ibid.). On governance 'on account' versus 'on lease', see e.g. Per S. Andersen, "Sysesmann", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformations-tid*, vol. 17, 1972, cols. 654–56.

24 The question of revenue collections in and after 1195 is tied up in the debate on the presence and duties of royal officials in the isles. If one accepts *Sverris saga's* account that the king collected 'half of all penal fines' (*hálfan allan sakeyri*) from Orkney after 1195 (Ss, 301), then it would seem that the earls' economic situation was somewhat improved, at least theoretically, through an unlimited allowance of fines in 1267. Assuming this theory to be correct, King Magnus VI's generosity can be explained as part of his promotion of Magnus III as a military commander. The same allowance was probably not given to administrators who held the earldom during periods of vacancy in later centuries. For general discussions on the economics of frontier governance see e.g. Wærdahl 2011, 115–20, 147–49; Crawford 2011, 48–52; Grohse 2014c.

to receive a standard and sword as tokens of their obedience to the king.²⁵ Although obliged to oversee the military levy and assist the king with the full strength of their men, they were barred from increasing the size of their retinue beyond that deemed appropriate by the king and 'wise men' (*vittrir men*).²⁶ While serving their king in battle, earls' forces should serve alongside those of the king, although earls must always acquiesce authority to their superior, allowing them, for instance, to have first berth when entering harbours.²⁷ While Earl Harald is not known to have ever served or been called upon to serve the Norwegian crown in battle, Magnus III had clearly been charged with commanding forces in 1263. Thus, the elaboration with which the earl's military duties are described in laws may reflect an emerging model for military hierarchy in the realm, one in which earls should not act as allies to be called into the king's service, but rather as lieutenants charged with obedience in the king's military campaigns.²⁸

Given the nature of Magnus III's transgression in 1263, which involved prioritizing his Scottish lord, and his reinstatement in 1267, which followed the establishment of peace with Scotland, it is difficult to imagine that the earls' relations to that kingdom would have gone unaddressed at the summit in Bergen. There is no indication that Earl Harald's fealty to the Scottish king was a point of controversy in 1195, yet it was clearly the root of the troubles for Magnus III in 1263. *Hirðskrá* underscores that earls could not 'alienate those lands which the king grants him', nor vacate 'the country without the king's permission', nor

-
- 25 *Hsk*, 82. They are regarded as 'recipients of the sword' (*sverðtakari*) and were the only royal retainers apart from dukes to receive their own 'banner' (*mærki*), a mark of high command (*ibid.*).
 - 26 *Ibid.* This demonstrates that earls were not regulated by kings as individual lords, but rather as a governmental institution supported by an advisory council. According to Knut Helle, this was the hallmark of the emerging monarchical 'state' in thirteenth-century Norway (Knut Helle, *Konge og gode menn i norsk riksstyring ca. 1150–1319*, Bergen, Oslo and Tromsø 1971).
 - 27 *Hsk*, 86. On the symbolic value of 'solemn entries' into harbours, see Brégaïnt 2015, 293–94, where it is argued that 'the size, decoration and positioning of the ships in the harbours were meant to reflect prestige and authority and often led to an exponential "shipbuilding race" between princes'.
 - 28 The efforts of high-medieval kings to consolidate their military apparatus were nevertheless mitigated through the emergence of 'bastard feudalism', a decentralized military organization, in the fourteenth and fifteenth centuries (Erik Opsahl, "Bastard Feudalism or Sub-Vassality in Medieval Norway", *Collegium Medievale* 4, 1991/2, 177–214; *idem*, *Framveksten av herresvein-institusjonen og dens betydning for militærvesen, maktforhold og social eliteutvikling i Norge ca. 1270–1390*, MA-thesis, Universitetet i Oslo, Oslo 1991). See Chapter 5 for a more thorough discussion.

enter alliances with men with ‘whom the king is at odds in matters of law’ or by whom the king is vexed.²⁹ The interdiction on unauthorized travel was, almost certainly, relevant only in the mainland kingdom, and had no bearing for the earls’ itineraries along the frontier.³⁰ Those clauses addressing the alienation of land and the interaction with the crown’s adversaries would not categorically bar earls from interacting with their Scottish neighbours, presuming that the king’s Scottish partners adhered to their pledges of peace and alliance.

One could argue that these stipulations were nonspecific to Orkney, and in fact drew on experiences both from earls in the mainland kingdom as well as those in the tributary countries.³¹ There is, however, a strong indication that frontier experiences provided the main precedent for the terms. Not only is the text highly critical of ‘domestic’ (*innan landǫz*) earldoms, those within the mainland kingdom, which at the time of compilation had not existed since the death of Earl Skule Bárðsson in 1240, the stipulations regarding the alienation of lands and associations with foreign powers appear far more pertinent to the situation in Orkney as a frontier community than they do for the mainland, or the only other corner of the realm with an earl, Iceland, where there were no adjacent foreign powers.³² Furthermore, the agreements of 1195 and 1267

29 *Hsk*, 84: ‘geve æignir þær sem konongr væitir honom [...] or lande fara nema konongs se læyvi til [...] sem konongr er vsattr við fyrir loglegar saker’.

30 Reference to ‘the country’ (*lande*) is specific to mainland Norway. When the Icelandic chieftain, Snorri Sturluson, disobeyed King Hákon IV’s order to remain in Norway in 1239, the king commissioned Snorri’s murder in 1241 (*HsH* 1, 456, *HsH* 2, 3). Leave was also denied to envoys of the Scottish king in Bergen in 1261. Following a foiled escape, they were detained in Bergen, albeit in opulence, prompting requests for their release by King Henry III of England (*DN* 19, nos. 271, 272). The freedom to travel in medieval Europe was often dependent on the traveller’s acquisition of permission or *licencia*. In 1415, for example, King Henry V of England forbade anyone from travelling unless they received an express, written license pertaining to the individual traveller (Peter Moraw, “Reisen im europäischen Spätmittelalter im Licht der neueren historischen Forschung”, in Xenja von Ertydorff, Dieter Neukirch and Rudolf Schulz (eds.), *Reisen und Reiseliteratur im Mittelalter und in der Frühen Neuzeit*, Amsterdam 1992, 117).

31 Neither Chapter 11(16), ‘With what honour the king shall bestow upon an earl’ (*Með huæim hætte konongr skal jarl gera*), nor Chapter 12(17), ‘What honour and distinctions shall follow the title of earl’ (*Huær sœmð oc siðsœmð. fylgia skal jarls nafne*), state explicitly whether they are intended for earls in mainland Norway, Iceland or Orkney (*Hsk*, 82–86).

32 *Hirðskrá* contains a lengthy exposition on the ‘first type of earldom, the domestic’ (*fyrste hatt iarlðoms innan landǫz*) in Chapter 11(16), wherein the legislators underscored that ‘there have been no earls in Norway for a long time, and that has been best for the people, for seldom has the right of common people been served when there have been multiple [leaders] to divvy up lordship simultaneously’ (*hævir longum stundum æigi jarl veret .i.*

are the only named precedents, with Earl Harald and Earl Magnus III as the only individuals listed by name.³³ If not conclusive, this suggests that the terms were directed more at the frontier than elsewhere.

Second only to the dukedom, the earldom of Orkney remained a unique entity within the political system of the realm, continuing a tradition of hereditary-based succession that was discouraged in other Norwegian governmental offices.³⁴ While the importance of inheritance may have been reduced in the later thirteenth century in other parts of Europe, with kings placing greater emphasis on a claimant's aptitude to govern, the custom of rule by illustrious nobility was quite exceptional within the realm of Norway. This was underscored in 1308 when, in apparent effort to curtail the autonomy of baronial leaders and curb the growth of sub-vassalage, King Hákon V abolished the titles of baron and earls throughout the realm, 'excepting for the sons of kings and the earls of Orkney'.³⁵ This raises a central question: why was the earldom, which was an unfavoured and expendable institution elsewhere in the realm, so essential for civic order in Orkney? According to Wærdahl, not only had Orkney's earls never threatened the unity of the kingdom the way mainland Norwegian earls had, the 'tradition and history' of the Orkney earldom, which unlike other earldoms was heritable and connected to a specific geographic space, called for its preservation in a nominal sense.³⁶

Norege oc hævir þat almuginum hølgaþt veret þui at sialðan hævir rettær smælengsins við þat batnat at marger hava. ivir boðanner veret i sænn) (ibid, 80). See Grethe A. Blom, *Samkongedømme – Enekingedømme – Håkon Magnussons Hertugdømme*, Trondheim 1972, 34–35; Wærdahl 2011, 162.

33 Apart from the earls of Norway and earls of Orkney, the Icelandic chieftain Gissur Thorvaldsson was the only figure in the realm to be named as earl when he received the title in 1258 as part of King Hákon IV's campaign to persuade the submission of Iceland to Norwegian authority (Wærdahl 2011, 97–99). The earldom of Iceland was permanently suspended following Gissur's death in 1268.

34 The office of sheriff (*sýslumaðr*), for example, was non-hereditary, as a rule, but often became a hereditary post in practice (Wærdahl 2011, 144).

35 DN 11, no. 6: '*vtan konungs sonum æinum ok iarlenum af Orkneyium*'. The royal ordinance has been central to discussion of the king's relationship to the aristocracy in high-medieval Norway. See e.g. Grethe Authén Blom: *Kongemakt og privilegier i Norge inntil 1387*, Oslo 1967, 380–87; Kåre Lunden, "Om Håkon V's skipan av 17/6 1308", *Historisk Tidsskrift* 50, 1971, 18–58; Andreas Holmsen, "Kongens rett, kongens makt og kongebrevet av 17/6 1308", *Historisk Tidsskrift* 51, 1972, 34–57; Ole Jørgen Benedictow, "Konge, hird og retterboten av 17. juni 1308", *Historisk tidsskrift* 51, 1972, 233–84; Per S. Andersen, "Et notat til diskusjonen om dokumentet av 17. juni 1308", *Historisk Tidsskrift* 52, 1973, 61–66; Lars Hamre, "Litt omkring Håkon Vs hirdskipan 17. juni 1308", *Historisk Tidsskrift* 72, 1993, 6–36.

36 Wærdahl 2011, 162. *Hirðskrá's* exposition on domestic earldoms explains that 'such earldoms have never been passed on as inheritance' (*þæsskyns jarlðomr hævir ecki .i. ærfður*

There must have been more to the matter. When King Sverre removed Shetland from the earldom of Orkney in 1195, he altered a state of governance that had been in place for centuries, affronting tradition in an attempt to promote royal interests in those isles. Although Magnus III's desertion in 1263 was a patent violation of the terms of vassalage in medieval societies and could have justified the king's permanent suspension of the title, Magnus VI accepted the risk of repeated transgression by retaining, rather than adjourning, the institution. This no doubt reflected the exceptionality of the frontier's political conditions. Even in the new atmosphere of peace established in 1266, the placement of a leader with extensive military prowess along the frontier conformed to the contemporary practices for geopolitical order in medieval Europe.³⁷ This was less an attempt to fortify the frontier on a practical level than it was a means of legitimizing the king's authority at the doorsteps of the realm through the installation of noblemen esteemed not only in Norway, but also in Scotland. Long a familiar institution at the margins of Scotland's political sphere, the holders of the Orkney earldom, who held the Scottish earldom of Caithness in tandem, enjoyed recognition as lords worthy of reverence from magnates and monarchs of that kingdom.³⁸ Given its standing in the eyes of leaders beyond the frontier, the earldom provided a well-established, durable and fruitful medium through which the recently conciliated kingdoms of Norway and Scotland could nurture cooperative relations with one another.

2.2 Mediation

Admittedly, the Treaty of Perth does not mention the earl of Orkney. Earl Magnus III had not yet been reinstated in Orkney in 1266, and there was, at that point, no obvious indication that the vacant earldom would be regenerated. Consequently, the earl and earldom were omitted from the terms of the agreement. However, King Magnus VI probably appreciated the earls' potential

genget) and that 'there is no particular part of the country [of Norway] that has customarily been an earldom' (*huærgi finz .i. landeno nokor lutr æinkaðr til jarlsðomsens*) (*Hsk*, 78).

37 Take, for instance, the 'Marcher Lords' positioned by the Anglo-Norman kings along the 'marches' of Wales to guard and, in some cases, advance the crown's interests (Lieberman 2008; Rees R. Davies, *Lordship and Society in the March of Wales, 1282–1400*, Oxford 1978; idem, *The Age of Conquest. Wales, 1063–1415*, Oxford 2000). Similarly, the 'margraves' (*Markgrafen*), whose promotion was integral to strategies for political organization at the margins of the German realm, were endorsed as high lords with few peers (see. e.g. Andrea Stieldorf, *Marken und Markgrafe. Studien zur Grenzsicherung durch die fränkisch-deutschen Herrscher*, Hannover 2012).

38 Crawford 2013. This is a central theme throughout Crawford's work.

advantage as intermediaries between Norway and Scotland when, in compiling *Hirðskrá*, he stipulated that earls should carry out missions ‘in peace and conflict’ (*i. friði. oc .i. ufriði*).³⁹ Although this clause falls within a list of military obligations, reference to peace demonstrates that the earl could theoretically function as the king’s diplomatic agent.

While clerics were often preferred as diplomatic couriers throughout the Middle Ages, rulers in the thirteenth and fourteenth centuries also relied increasingly on heralds-at-arms to communicate diplomatic messages at foreign courts. Given their degree of nobility, such heralds commanded the respect of foreign monarchs, allowing them to carry out diplomatic missions with complete immunity.⁴⁰ Although a widely-accepted diplomatic code-of-conduct had yet to take shape, there existed general agreement among European rulers that high-ranking noblemen, e.g. barons and knights, commanded recognition and respect at foreign courts. King Hákon IV’s detention and alleged mistreatment of a Scottish knight sent to Norway on a diplomatic mission by King Alexander III, for instance, heightened the tenor of hostility between Norway and Scotland in 1261.⁴¹ In contrast to the accusations of abuse levelled by the Scottish and English kings in their diplomatic correspondence with Hákon IV, later sagas claim that one of the Scottish envoys, a knight by the name of Míssel (Michael), was allowed to take part and even speak at the opulent coronation ceremony of Magnus VI.⁴²

The advantage of maintaining earls as trans-national diplomats was demonstrated by Earl Magnus IV’s participation in negotiations preceding the confirmation of Margaret, the ‘Maid of Norway’, as nearest heir to the throne of Scotland. Although there is no direct evidence that Magnus IV received a formal mandate to represent Norwegian interests during the negotiations, he was one of the many Scottish earls and barons to affirm the declaration of Margaret’s right in 1284.⁴³ His successor, Earl John II, acted as a witness

39 *Hsk*, 84. It is stipulated that the ‘the earl shall also be obligated, in peace and unrest, to travel on those missions that the king asks of him with good reason, and which he [the king] himself would send his own men on’ (*Skýllðugr skal jarl oc til vera .i. friði. oc .i. ufriði at fara .i. þær færðir sem konongr byðær honom með skynsæmð oc hann vil sína mænn sialfs með sæða*).

40 See e.g. Maurice H. Keen, *The Laws of War in the Late Middle Ages*, Toronto 1965, 194–96; Chaplais 2003, 140; Garrett Mattingly, *Renaissance Diplomacy*, New York 2010, 32; Katie Stevenson (ed.), *The Herald in Late Medieval Europe*, Woodbridge 2009.

41 *DN* 19, nos. 271, 272.

42 *HsH* 2, 109.

43 *DN* 19, no. 309. It is, however, unclear whether Magnus IV was acting in his capacity as earl of Orkney or as earl of Caithness (Crawford 2013, 307; idem 1971, 112).

to parliamentary letters pertaining to the Treaty of Salisbury, in particular to the proposed marriage of Margaret to Edward, heir apparent to the English throne.⁴⁴ Orkney's prime location along the threshold between the Norwegian and Scottish realms made it an optimum location for Norwegian, Scottish, English and local Orcadian officials to convene for the transfer of the young princess.⁴⁵ However, the young Margaret died tragically *en route* to the isles in 1286, depriving Scotland of an apparent heir to the throne and initiating a string of momentous events that would bring the kingdom under the mantle of the English crown.⁴⁶ The initial struggle to confirm an heir placed John II in a precarious, although useful, position for North Sea diplomacy. King Eric II asserted his right to his late daughter's inheritance in 1291, a move which may have called upon the earl to act as intermediary between Norway, the Scottish barons and King Edward I of England.⁴⁷ This is witnessed by two letters of safe-conduct to the English court from 1291. In the first, John II was assured safety to travel with his household to Edward I, while in the second, his 'valet', William de Crumbacy, was assured security on his return to the earl's lands following a visit to the English court.⁴⁸ Given that the earl's 'spasmodic' involvement in Scottish assemblies and parliaments was localized around matters pertaining to Scottish-Norwegian relations, it would seem that he was either specially commissioned by Eric II or required by his Scottish peers to function as a Norwegian representative.⁴⁹

44 *DN* 19, nos. 340, 341. On the matter of the 'Maid of Norway' see e.g. Geoffrey W.S. Barrow, "A Kingdom in Crisis: Scotland and the Maid of Norway", *Scottish Historical Review* 69, 1990, 120–41; Knut Helle, "Norwegian Foreign Policy and the Maid of Norway", *Scottish Historical Review* 69, 1990, 142–56; Michael Prestwich, "Edward I and the Maid of Norway", *Scottish Historical Review* 69, 1990, 157–74; Richard Oram, *The Canmore Kings: Kings and Queens of the Scots 1040–1290*, Stroud 2002, 179–83.

45 *DN* 19 no. 364. King Edward of England had previously proposed Margaret's delivery in England (*ibid.*, no. 349), although this may have placed too much control in the hands of the English king, and thus subverted the authority of Scottish magnates.

46 Rumours surrounding the death of Margaret in or near Orkney were trickled in from the frontier in the weeks following the tragedy. An itinerary by King Edward's messengers from late September, 1290, shows that there they were confronted with the news before reaching the Pentland Firth and altered their original course in order to view the girl's corpse (*DN* 19, nos. 366, Crawford 2013, 308). The bishop of St Andrews certainly had word of Margaret's death by October 7th (*DN* 19, no. 369; Helle 1990: 151).

47 Arne O. Johnsen, "Kong Erik Magnussons Krav på Skottland, 1292", *Historisk tidskrift* 37, 1954/6, 145–75; Helle 1990: 152–54; Crawford 2013, 309.

48 *DN* 19, no. 371. For a thorough discussion of John II's involvement, see Crawford 2013, 309.

49 Crawford 1971, 112–13. The lack of evidence for the earl's involvement is equally telling. He abstained from participating in the struggle between Robert Bruce and John Balliol,

Although John II appears to have initially assumed a neutral stance in the struggle for succession in Scotland, intensification of the conflict and increased pressure from Edward I of England drew him into the mix. The English king's issuance of protection letters to the earl in August 1296 suggests that the latter was to be sojourned in Norway or Orkney, and required assurances for his Scottish lands in Caithness during his absence.⁵⁰ Despite his priorities north of the Firth, within Norwegian jurisdiction, John II's station in the realm of Scottish politics, as earl of Caithness, inevitably drew him back into the sights of the English king, whose status as Scotland's overlord demanded recognition from all of his baronial vassals in that kingdom. Having not yet rendered homage to Edward I in August, the English king, who travelled as far north as Elgin in Moray, dispatched an envoy to Murkle, an earldom estate near the northern coasts of Caithness (and on the southern shores of the Pentland Firth), to receive the earl's pledge of fealty.⁵¹ This setting strongly suggests that the earl, who was residing in Orkney at the time, traversed the Firth to pay homage to Edward I.⁵² If so, the earl was demonstrating a remarkable degree of political tact, simultaneously attending to his affairs in the Norwegian domain of Orkney, fulfilling his duties as a Scottish earl, and appeasing an increasingly intrusive English king.

Earl John II's son and successor, Magnus V, was a minor at the time of his father's death and came of age in or around 1312. Magnus V acted on behalf of the Norwegian crown as witness to the Treaty of Perth's renewal in Inverness.⁵³ Again, there is no evidence that he was expressly commissioned by the Norwegian (or Scottish) king to act as an official delegate, but he was clearly representing the Norwegian crown in this matter. Two copies of the renewal that were issued at the summit, one of which was to be sent to Norway with King Robert I's seal, and the other to remain in Scotland 'together with the earls of the venerable father, William, by the grace of God bishop of Orkney, and the noble man, Sir Magnus, earl of Caithness and Orkney, in testimony and for the

presumably due to his support of Eric II's claim to the throne (idem 2013, 310), although he was perhaps involved in preparations for the marriage between Isabella Bruce and Eric II (ibid.). That marriage, and the preceding diplomatic preparations, are discussed at length in idem 1973; idem 1990.

50 Crawford 2013, 310. It is noteworthy that safe-conducts were issued to a number of Norwegians travelling between their kingdom and Scotland in 1297 (ibid., note. 112; idem 1973; idem 1990).

51 *Calender of Documents Relating to Scotland*, vol. 2, 1272–1307, ed. Joseph Bain, Edinburgh 1884, no. 803.

52 Crawford 2013, 310–11.

53 *DN* 19, no. 482.

good faith and confirmation therefore'.⁵⁴ That same day, Magnus v was a witness to a settlement concerning, among other things, disputes between Norwegian officials and Scottish malefactors along the frontier.⁵⁵ As we have seen earlier in this work, the earl was not party to the attacks (or defence thereof) and probably had not yet reached an age of majority when the violence in question transpired. His presence in Inverness was nevertheless crucial. Six parties are listed as witnesses and sureties to the settlement, with two acting as 'procuratores and envoys' (*procuratores et nuncii*) of King Hákon v and another two under 'special mandate' (*speciale mandatum*) of King Robert I. The remaining two, Bishop William and Magnus v, bore no specific diplomatic titles. Interestingly, while the Treaty of Perth's renewal that same day refers to Magnus v as a Norwegian representative, the settlement document does not specify whether he was working as a Norwegian or as a Scottish agent. His lack of party affiliation suggests that he was asked to witness the agreement as a neutral agent or as a personally invested, but nonetheless consensual, go-between for both crowns.

2.3 Personal Alliances

The year 1320 marks a subtle but significant turning point in the history of Norwegian-Scottish relations. Earl Magnus v's death without issue around that time marked the end of a comital line in Orkney that had witnessed the Norwegian-Scottish alliance of the late thirteenth and early fourteenth centuries.⁵⁶ At the same time, the passing of King Hákon v in 1319 brought an end to the Sverre dynasty in Norway and prompted the succession of King Magnus VII, an underage Swedish-Norwegian dynast whose guardians instilled in him a decidedly more eastward political orientation than that of his predecessors.⁵⁷ As suggested in the previous chapter, this latter development initiated a

54 Ibid.: '*cum sigillis, venerabilium patrum, dominorum dei gracia, Nidrosiensis archiepiscopi, Beruiensis et Orcadensis episcoporum, domini Magni comitis Orcadie, ac dictorum nunciorum est appensum*'.

55 DN 2, no. 114; DN 19, no. 481.

56 Crawford calls this 'a real break in the earldom inheritance', noting that whereas the Angus line 'had adapted to the difficult challenge of holding earldoms of two kingdoms jointly, surviving the situation of warfare between the two kings in the 1260s', the ending of the Angus line in 1320 shifted power to 'a different Scottish noble family, with a distant claim' and presented even greater challenges (Crawford 2013, 317).

57 For the state of Norwegian-Swedish affairs at the time see e.g. Erik Opsahl, "Norwegen 1319–1397. Ein 'willenloser Trabant' der Nachbarländer?" in Detlef Kattinger, Dörte Putensen

gradual hibernation of Norwegian-Scottish relations, with fewer and fewer formal embassies between representatives of the two crowns. Perhaps because of this, there is no record indicating that Orkney's next earl, Malise of Strathearn, carried out diplomatic missions in the same manner as his predecessors, Magnus V and John II.⁵⁸ Malise's successor, Erengisle Sunesson, was nothing more than a titular functionary who did little or nothing to foster Norwegian-Scottish relations. A Swedish nobleman by birth and upbringing, Erengisle was the first and only 'earl' of Orkney to succeed vis-à-vis marriage, having earned his right through his wife Agneta, the daughter of the late Earl Malise.⁵⁹ Although he invoked his status with some vigour in inner-Scandinavian diplomacy, he had little or no practical involvement in frontier affairs and, as a consequence, was remembered in the fifteenth-century *Genealogy* of Orkney's earls as nothing more than a knight who, 'by right and reason of his wife, came into part of the lands of Orkney'.⁶⁰ In the memory of native Orcadians, the Swedish figurehead was a more alien figure than his Scottish predecessors and successors.

Although there is no evidence that any earl of the Sinclair line in the late fourteenth and fifteenth centuries ever represented a Norwegian or Scottish king at a summit between the kingdoms, they were expected to cultivate amicable frontier relations. Their role was more indirect, expressed through individual associations and alliances with Scottish magnates. Although historians

and Horst Wernicke (eds.), *Huru thet war talet j kalmarn'. Union und Zusammenarbeit in der Nordischen Geschichte. 600 Jahre Kalmarer Union (1397–1997)*, Hamburg 1997, 83–152.

58 However, Crawford points to the so-called *Genealogy* of the earls of Orkney, noting that Malise went to lengths to enforce his claim. The source claims that 'evidence and charters' (*evidencie et carte*) were needed for both his campaign for Orkney, with the Norwegian king, and Caithness, with the Scottish (*DN* 20, no. 833). Crawford posits further that Malise visited Sweden to be confirmed by the Norwegian king, whereupon he betrothed his two daughters to Swedish noblemen, Erengisle Suneson and Guttorm Sperra (Anderson 1873, lix; Crawford 2013, 319, note 147).

59 Erengisle first appears on record as 'earl' of Orkney while acting as a member of the council of the Realm in 1353 (*DN* 2, no. 319). He was an influential magnate in Sweden under the reign of King Magnus VII. His succession to the earldom was by marriage only – rather than as a blood-line heir – which was a break from convention (Wærdahl 2011, 231). He supported an effort by Swedish magnates to depose King Magnus VII in 1356/57. For biographical overview see Edvard Bull, "Erengisle Sunesson", in *Norsk biografisk leksikon*, vol. 3, ed. Edvard Bull and Einar Jensen, Oslo 1923, 542–43. He is not mentioned as earl in a letter from the Orkney community in 1357, and had presumably been divested of his authority by that point (*DN* 2, no. 337). His involvement in an uprising against King Magnus VII may have cost him the title, although he continued to style himself as earl until 1388 (Wærdahl 2011, 231).

60 *DN* 20, no. 833: 'et jure ac ratione sue vxoris gausus est quadam parte terrarum Orchardie'.

have often assumed that these alliances mitigated the strength of the loyalties to Norway, and were thus contradictory to Norway's political interests in the region, closer scrutiny reveals that monarchs in Scandinavia were not only unconcerned by the earl's political alliances in Scotland, but were also supportive of them. Among Orkney's late medieval commanders, Earl Henry I has enjoyed the most elaborate posthumous legacy among scholars. Munch sharply criticized the earl, portraying him as an enemy of what had once been an ethnically homogeneous Norse community:

he was still in reality a Scottish magnate whose interests were directed primarily toward Scotland and its affairs, and who presumably also lived more in Scotland than in Orkney, and who surrounded himself almost exclusively with Scots whose numbers in the isles thus increased even more rapidly than before, greatly accelerating the de-nationalization of the population that was already well underway.⁶¹

Munch's conclusion is somewhat perplexing, for it conflates two distinct, and seemingly contradictory, theories: one in which the earl, a foreign magnate, was preoccupied with affairs in his homeland, and the other in which the earl, a resident magnate, saturated the isles with his fellow Scots. While the latter idea is also prevalent in more recent research, the theory that Earl Henry I was inattentive to his Norwegian grant is refuted by a number of sources which attest both to his presence and his personal investment in the isles.

By contrast, the earl is portrayed as a prominent and proud figure in the antiquarian work of James van Bassan, who conjured up fabulous images of the earl transforming his isles into dominion, ruling them as if he were a prince:

He had power to stamp his own coine within his dominions, to make laws, to remit crimes: he had his sword carried before him wheresoever he went, he had a crown in his armes, bore a crowne on his head when he constituted laws, and in a word was subject to none save only he held his lands from the King of Noraway, Sweden and Danemarke.⁶²

61 Munch 1863, 102, 'var han dog i Virkeligheden kun en skotsk Magnat, hvis Interesser fornemmelig drejede sig om Skotland og dets Anliggender, og som formodentlig ogsaa levede mere i Skotland, end paa Orknø, og som omgav sig næsten udelukkende med Skotter, hvis Antal saaledes blev endnu hyppigere paa Øerne end før og bidrog meget til at fremskynde den Denationalisering af Befolkningen, der allerede var i sterk Gang'.

62 Roland Saint-Clair, *The Saint-Clairs of the Isles. Being a History of the Sea-Kings of Orkney and their Scottish Successors of their Surname of Sinclair*, Auckland 1898, 101.

Historians have also celebrated cruder renderings of the earl as a warlord who, never shying from violence, helped revive the bellicosity of his Viking forbearers.⁶³ Whether or not these more exciting portraits have any credence, it is evident that the earl was, contrary to Munch's portrayal, an energetic participant in frontier affairs. Henry I was probably acquainted with the socio-political landscape of northern Scotland, and perhaps even Orkney, prior to his commission in 1379. A kinsman, Thomas Sinclair, had acted as King Hákon VI's bailie in Kirkwall in 1364, and Henry I, a Lowland Scot by origin, may have found it to be expedient to capitalize on the advances already made in the region by his agnates and other cadets of the Sinclair line.⁶⁴ In spite of his social advantages, Crawford speculates that his transition to Norse environs nevertheless 'entailed a certain amount of adaptation to the completely different national, political and cultural circumstances in the islands of Orkney'.⁶⁵

Henry I relied on the support of a number of Scottish allies when developing his campaign for succession in the 1370s. This is evident from the list of witnesses accompanying him in Marstrand as well as the 'fathers, bishops and prelates of the churches of the kingdom of Scotland, and other nobles' (*patres episcopi et prelati ecclesiarum regni Scocie, ac alii eiusdem regni nobiles*) who promised to act as sureties to Sinclair's grant of Orkney.⁶⁶ Four of the witnesses, including William Daniel, Malise Sperra, David Crichton and the son of Simon Rodde, pledged to remain in Scandinavia as hostages on behalf of the earl.⁶⁷ As a further assurance of Henry I's devotion, the king also demanded

63 Thomson 2008, 166–68. Roland Saint-Clair modulated, but never abandoned, the dubiously heroic tales attributed to the earl, while another myth originating in the late nineteenth century purported to recount the earl's discovery of America (ibid. 168). That tale is almost certainly a fiction (ibid.; cf. Brian Smith, "Earl Henry Sinclair's Fictitious Trip to America", *New Orkney Antiquarian Journal* 2, 2002, 2–28).

64 REA 1, 106–07. Another Henry Sinclair served as the Scottish king's bailie in Caithness in 1321, and his grandson, William, married Isabella of Strathearn, daughter to the late Earl Malise of Orkney, who probably resided in Orkney or Caithness (Crawford 2013, 319). These developments opened the door for their son, the future Earl Henry I, to launch his northern enterprises (idem 1971, 219–23).

65 Crawford 2013, 336. The earl's dealings along the frontier are recorded in Latin, while the continued dominance of the Norse tongue in Orkney at this time can be witnessed by the local community's use of it in the agreement between the bishop and governor in 1369 (DN 1, no. 404), as well as King Hákon VI's use of it in his direct address to the island inhabitants in 1375 (DN 2, no. 353).

66 Ibid. no. 459.

67 Ibid. Malise Sperra, one of Henry I's principal rivals, was among the hostages. The *Genealogy* relates that Henry I was accompanied by his mother, Isabella, and two cousins, Alexander de Ard and Sir Malise Sperra, on his journey to Marstrand in August 1379 (DN 20,

that he procure 'open letters with true seals' (*apertas literas eorum veris sigillis*) from two 'reverend fathers, bishops and prelates of the churches of the kingdom of Scotland and another eight nobles of that kingdom' (*reuerendi patres episcopi et prelati ecclesiarum regni Scocie, ac alii eiusdem regni nobiles*).⁶⁸ Their letters were to assure that Henry I fulfilled his the individual terms of his charter, thus allowing the release of the named hostages.

The imposing list of sureties included the bishops of St Andrews and Glasgow, the earls of Douglas and March, as well as six knights.⁶⁹ Henry I must have gained their support prior to departing for Marstrand, suggesting that he was highly esteemed and trusted by those Scottish luminaries. In previous studies, historians have tended to read the names as illustrations of the earl's entrenchment in Scottish aristocratic society and, by extension, as a signal of the family's latent pro-Scottish inclinations. Indeed, whereas there is no strong evidence that he held the support of elites in Norway or the island community, Henry I was hardly wanting for allies south of the Pentland Firth.⁷⁰ Scottish historian William Guthrie concluded from this that 'the earl of Orkney undoubtedly was a native and subject of Scotland, and therefore the whole of this transaction was repugnant to the [Norwegian] principles of all civic

no. 833). Both cousins are mentioned in the agreement as potential threats and vexations (*DN* 2, no. 459; Crawford 2013, 334).

68 *DN* 2, no. 459.

69 *Ibid.*

70 On the Sinclairs in Northern Scotland see Crawford 1971, 216–33. Of particular interest is the family's connection to the earldom of Ross. The marriage of Earl Henry I's parents, Isabella of Strathearn and William Sinclair of Roslin, had been arranged by Earl William III of Ross. In subsequent years, cadets of the Sinclairs are witnessed in offices in Caithness, and are presumed to have reached their positions as the earl of Ross's protégés. Thomas Sinclair was the king of Norway's baillie in Kirkwall in 1364, and, together with a kinsman, Alexander Sinclair, witnessed a transaction there concerning some Scottish estates owned by the earl of Ross (*REA*, 106–07). Another daughter of the late Earl Malise, Euphemia, (*ibid.*) was also present at the meeting, suggesting that the Ross contacts also extended to other members of that line (Crawford 2013, 328). Although those ties abated following the death of Earl William of Ross, the Sinclairs continued to cultivate their estates in Lothian, as is most evident by the enterprises of Henry I's successors, Henry II and William I. Crawford points out that Henry I was able to maintain two bases, one in Scotland and one in Orkney, as 'these earls were evidently able to adapt to a lifestyle where the sea was vital to their success' (*ibid.*, 336). The office of Scottish Admiral may have been established under his son and successor, Henry II (A.R.G. McMillan, "The Admiral of Scotland", *Scottish Historical Review* 20, 1923, 11; Crawford 2013, 336, note 7).

government'.⁷¹ This raises a provocative question: why would Hákon VI, who had unmitigated authority to appoint earls and had determinedly deferred appointments in previous years, endorse the transaction if it were, in fact, so perceptibly 'repugnant'?

The answer can only be that Hákon VI did not perceive the growth of a diametric struggle between Norwegian and Scottish interests, and was thus not concerned about Henry I and his associates' 'national' origins. From this perspective, the list of names can be read as an expression of the king's 'trans-national' strategies for maintaining frontier order. Rather than attempting to exclude Scots from the political process surrounding the restoration of the earldom, Hákon VI called upon their engagement in confirming Henry I's intentions. This expanded the network involved in monitoring the earl's activities, elaborating the system of governmental checks beyond that possible within the confines of the realm of the Norway.

Because none of the installation charters for Sinclair's predecessors have survived, it is impossible to say exactly which of these conditions were new and which were carried over from previous diplomas. By that token, we cannot conclude *ex silencio* that the earl's obligation to produce sureties from Scotland was a novelty. Apart from Erengrisle Sunesson, all of the previous earls of the Strathearn and Angus lines had familial, social and political ties to Scotland. Earl Malise, for instance, was probably born and reared in Strathearn, far removed from the island earldom of Orkney, and it is difficult to imagine that this earl was any less reliant on Scottish support when campaigning for succession in or around 1330 than was Henry I in 1379. It is thus conceivable that previous earls were also obliged to verify their standing within Scottish society for the same reasons as suggested above.

The installation charter for Henry I's 'successor', Henry II, has not survived, provoking speculation as to whether a Norwegian monarch ever formally confirmed the younger Sinclair as Orkney's earl.⁷² As Crawford points out, there

71 William Guthrie, *A General History of Scotland from the Earliest Accounts to the Present Time*, vol. 4, London 1767, 89.

72 Crawford suggests that Isabella Sinclair, who outlived her son, Earl Henry I, was the rightful heir to the earldom lands and rights of Orkney in accordance with Scandinavian reversionary inheritance law (Crawford 2013, 347). Cf. Wærdahl's study of Queen Isabel Bruce, who came into possession of her daughter Ingebjorg's estates after the latter's death (Randi B. Wærdahl, "Dronning Isabella Bruce", in Bjørn Bandlien (ed.), *Eufemia Oslos midaldalderdronning*, Oslo 2012, 106). If limited to the general rights of inheritance, this would be in accordance with, for instance, the stipulation that 'goods that a mother leaves to her children, these are inherited by her in full from them if they die childless' (*fe sem moder leggir til barna sinna oc andazt þau banlaus þa erfir hon þat allt eptir þau*) (NgL 1.2, 80).

is also no indication that he ever travelled to Scandinavia to receive formal investment, and the so-called *Genealogy*'s treatment of him may imply that he never officially activated his claim.⁷³ His son, William I was made earl of Orkney in 1434, more than a decade after he first began campaigning for the honour.⁷⁴ King Eric III's deferment of his installation raises the question of whether that monarch ever intended to restore the earldom, or at least restore it under a member of the Sinclair line. Perhaps the king's reservations were driven by reverberating distrust stemming from Henry II's failure to attend the royal court in Scandinavia for confirmation years before.⁷⁵ More commonly, the delay is understood to reflect the king's trepidation about William I's decidedly Scottish leanings.⁷⁶

However, as has been argued, the Norwegian crown did not necessarily, or even typically, view ties to Scotland as a detriment, choosing more commonly to endorse them, rather than discourage them. Indeed, William I's charter, compiled upon the occasion of his installation in Copenhagen on 9 August, 1434, offers patent evidence of Scottish intercession in the restoration of the frontier earldom. There, William I relates that 'our most serene lord the king of Scots, James, appealed to the illustrious ears of king Eric by letter for his assistance and favour in advancing my many efforts in the said earldom of Orkney'.⁷⁷ Historians are duly suspicious of the Scottish monarch's motives in

However, that which Isabella passed to Earl Henry II was the right to petition the king of Norway for succession, not possession of the lands and rights to the earldom. As Imsen points out, the earldom of Orkney was only semi-hereditary and was ultimately granted out along with its benefices in accordance with the king's wishes and prerogatives (Imsen 2000, 170).

73 Crawford 2013, 348. The Scottish version of the *Genealogy* recounts his final days by saying 'at the last he decessit ondoutit erile of Orchadie and Schetland' (cited in *ibid.*) Cf. the Latin in *DN* 20, no. 833: 'et ex ea procreauit dominum Henricum de Sancto Claro secundum. quj ultimo decessit comes Orcadie indubitatus' Crawford suggests that 'at the last' (*ultimo*) indicates that the earl only received his title toward the end of his life (Crawford 2013, 348, note 59). He was, however, referred to as 'earl of Orkney' in numerous Scottish sources (*ibid.*, 348).

74 *NgL* 2.1, no. 74.

75 Crawford 2013, 349, 354.

76 This is implied in *ibid.*, 354, where Crawford speaks of William's mounting 'power base and political relationships in Scotland' in the same paragraph as the delay of installation, although she admittedly does not cite this as the only possibility. Another possibility is that the king wished to break the hereditary tradition in Orkney, as in Shetland (*ibid.*).

77 *NgL* 2.1, no. 74: 'quia serenissimus princeps et dominus noster, dominus Jacobus rex Scotia, auribus memorati graciosi domini nostri regis Eri per epistolas pro auxilio gracie sue et sublimacione nostril in dictum comitatum Orchadensem instancias fecerat multifo rmeo'.

backing William I in his campaign.⁷⁸ Assuming that the Scottish crown envisioned Orkney's abstraction from the Norwegian realm, then the investment and subsequent manipulation of a political marionette with Scottish leanings would certainly facilitate that process.⁷⁹ But if this strategy is so discernible to modern observers, who must surely have less oversight of these manoeuvres than contemporaries, how was it so shrewdly concealed from the Norwegian king at the time?

James I's support could not have been acutely divisive at the time for, indeed, Eric III not only endorsed inclusion of that point in the charter, but also demanded further cultivation of that support in the future. Like his grandfather, William I was obliged to procure open letters with true seals from ten of Scotland's leading clerical and lay elite, including three bishops, three earls, two knights and two armigers.⁸⁰ If this appears to have become something of a customary feature of the installation procedure for late medieval earls, there was one remarkable addition: William I was to invoke the formal support of King James I, who was also to affix his seal to an open letter in testament of William I's 'goodwill and readiness to diligently serve [the Norwegian crown] in every way'.⁸¹

Crawford argues that Eric III's demand for Scottish royal endorsement was a conceptual and practical infeasibility, for it confounded the elementary premise for feudal contracts.⁸² Such a conclusion presumes that the earls' relations to both the Norwegian and Scottish kings were predicated upon an assumption of liege homage, a principal allegiance to one lord over all others.⁸³ Such a scenario would, indeed, be an impossibility, for the earl could not give chief allegiance to both. Yet it is unclear whether the earl had pledged an equal

78 Crawford 1971, 277, 300–01.

79 Crawford views King James I's role in Earl William I's confirmation as earl in Orkney in 1434 as a harbinger for the Scottish king's influence over the earl in Scottish-Norwegian negotiations in the 1450s, arguing that 'when therefore in the 1450's the earl's and the Scottish king's attitude towards Denmark and Norway hardened the conclusion to be drawn is that this was because of James II's policy' (ibid., 301).

80 *NgL* 2.1, no. 74.

81 Ibid.: '*promptos et beniuolos ad dillgenciam nostrum omnimode faciendam*'.

82 Crawford 2013, 356.

83 François Louis Ganshof emphasized that 'a duality or a multiplicity of vassal engagements would put a strain on vassal and lord alike' (François L. Ganshof, *Feudalism*, trans. Philip Grierson, Toronto 1996, 49). See also Marc Bloch, *Feudal Society. Vol 1: The Growth and Ties of Dependence*, trans. L.A. Manyon, Chicago 1961, 211–18.

degree of loyalty to the two crowns by this point.⁸⁴ European medieval charters often entailed a degree of casuistry which sought to mitigate potential conflicts of interests posed by a vassal's dual-commitment to two or more different lords, something that was not only unexceptional, but was also recognized and tentatively accepted by medieval jurists.⁸⁵ These included allusions (a) to precedence, whereby the first lord-vassal contract was prioritized, (b) to value and esteem, whereby the lord granting the richest fief was prioritized, and (c) to merit, whereby the lord with the most valid cause for demanding the vassal's service was prioritized.⁸⁶ Such sophistries gradually gave rise to the concept of liege homage, which, as Marc Bloch explained, served to 'single out from acts of homage done by the same vassal to several lords, one which carried a fealty ranking above all other engagements'.⁸⁷

Historians, including myself, studying the Norwegian king's network of vassals, have at times translated the term '*handgenginna manna*' as 'liegemen', thus implying a 'near absolutist' allegiance of those vassals to their Norwegian lords.⁸⁸ If this concept was still relevant in the later-fourteenth and fifteenth centuries, then the fealty pledged by the earls in 1379 and 1434 must have implied a principle of liege homage, meaning that their loyalties to the Norwegian crown took precedence over all others if called upon to serve in contingencies of war. By endorsing William I's association with the Scottish king, Eric III was not contradicting the demand for liege homage; rather, he was ascribing to the relatively common practice of recognizing and reserving a vassal's prior homages or associations to different lords.⁸⁹ Although the intersection of homages

84 In fact, as he had not yet received the earldom of Caithness (this occurred first in 1455). See Richard A. Hay, *Genealogie of the Sainteclaires of Rosslyn*, ed. James Maidment, Edinburgh 1835 1835, 75–76. Notably, the grant lacks specific reference to military service.

85 Bloch 1961, 211–18. There was a graduation of loyalties between stronger and weaker oaths, although the term began to be applied for all sorts of lord-vassal relations.

86 Ibid. Liege vassalage enabled lords to claim a monopoly on military service (Anthony Musson, *Expectations of the Law in the Middle Ages*, Woodbridge 2001, 28). As Musson points out, however, demands of regnal superiority within realms, such as in twelfth-century Flanders, meant that such vows were redundant and 'only made sense when the vassal was a foreigner and the lord was the count of Flanders' (ibid.).

87 Bloch 1961, 215.

88 Benedictow 1972, 239. Cf. Grohse 2014d.

89 Theodore Evergates argues that 'reservation clauses for prior homages' were commonplace in charters from medieval France and created 'a tangle of feudal ties that reflect an increasingly legalistic approach to homage and liegance' (Theodore Evergates, *Feudal Society in Medieval France. Documents from the County of Champagne*, Philadelphia 1993, 8).

potentially 'slowed the progress of a unified national identity' within medieval kingdoms, such concerns were, at least in this case, immaterial insofar as Norway's rulers never aspired to unify Orkney with the mainland kingdom or exclude Orkney from its neighbours in a national sense.⁹⁰

William I's formalistic ties to the Scottish crown were strengthened with his elevation as earl of Caithness by King James II in 1455.⁹¹ However, his written pledges of allegiance to the Scottish king were neither as specific nor as binding in questions of foreign relations as were his vows to the Norwegian crown two decades prior. In his charter from August 1455, there is no mention of the earl's relations to foreign lords, nor any stipulation demanding the earl's undivided loyalty if the Scottish crown were to go to war.⁹² Whereas William I's Norwegian charter was clearly aimed at defining the military duties of a royal lieutenant, his Scottish charter was ostensibly concerned with the earl's rights to control and extract revenues from the lands and estates within Caithness.⁹³

If kings were anxious of war with one another, and the defection of their vassals to the opposing side (as had happened with Magnus III in 1263), then prioritization of allegiance would have been one strategy of minimizing that threat.⁹⁴ However, rather than constraining their vassals internally through unilateral commitments between a single king and a single vassal, the two crowns fostered the trans-national cooperation first launched in the 1266 accord, one that should, in theory, preclude conflict and thus render demands of liege homage extraneous. Of course, kings could not responsibly exclude all potential for inter-state conflict, nor ignore the precarious position in which such a controversy would place their frontier earls. Indeed, the Norwegian

90 Melissa Pollock, *Scotland, England and France after the Loss of Normandy, 1204–1296*. 'Auld Amitie', Woodbridge 2015, 4. In Pollock's focus are the crisscrossed allegiances owed by member of King William I of Scots court as vassals in England and France.

91 Hay 1835, 75–75.

92 Earls Henry I and William I paid their Norwegian lords 'homage of fidelity' (*fidelitatis homagium*) in 1379 and 1434 respectively (*DN* 2, no. 459; *NgL* 2.1, no. 74). Despite holding Roslin, an important feudal possession in Scotland, William I did not use such binding terminology in his installation charter as earl of Caithness (Hay 1835, 75–76). In contrast to the Norwegian grants, the latter lacks any mention of Scotland's foreign wars and alliances.

93 William I's grant of Caithness was given in exchange for his surrender of the lordship of Nithsdale and any other rights claimed by his predecessors (Hay 1835, 73–75). His new earldom and private lands were erected as a barony (*ibid.*, 76–77). None of these documents are as elaborate on the matter of feudal obligation as are the terms found in the Norwegian grants from 1434 (*NgL* 2.1, no. 74).

94 Musson 2001, 28.

crown in particular was cautious of defection after 1263, and thus appears to have implied liege lordship more strongly than did their Scottish counterparts.⁹⁵ Yet this was not as great a concern as historians have maintained. William I's relations with the king of Scots did not contradict his allegiance to the Norwegian crown; rather, they were viewed as instruments of political anchorage, allowing Eric III to call upon his Scottish ally in ensuring the loyalty of his new earl and their common vassal. Rather than regarding the complexities of loyalty sewn by frontier leaders as inevitable pitfalls of legalistic contradiction, it is more reasonable to regard them as sinews in a trans-national network for frontier order.

2.4 Redundancy

Both before and after his installation, Earl William I stood out as a 'central figure in Scottish politics' and, according to Imsen, 'had scarcely any time remaining for Orkney'.⁹⁶ Crawford posits that William I alienated himself from the diplomatic scene at the outset of Norwegian-Scottish negotiations concerning a possible revision of the terms of peace in 1456.⁹⁷ Recognizing that a new political order, and a possible transfer of lordship over the Northern Isles to Scottish control, could potentially deprive him of his earldom rights and revenues, the earl is believed to have undermined the diplomatic process, even

95 Imsen and Crawford suggest that the general rules dictating relations between Norway's kings (as lords) and Orkney's earls (as vassals) predated the 1267 accord between King Magnus VI and Earl Magnus III. Crawford, for instance, believes that the conditions for installation known to us from the late thirteenth century *Hirðskrá* were developed after Earl Harald's subjugation in 1195 (Crawford 2013, 288–300). There is, however, no evidence or suggestion that kings enforced any form of liege lordship prior to the 1270s. Earl Magnus III's desertion in the Norwegian-Scottish conflict in 1263 almost undoubtedly prompted greater clarification of the Norwegian king's demands for absolute loyalty in the event of war. The earliest surviving form of *Hirðskrá*, which was moulded around the terms laid down in 1267, emphasizes that 'the earl shall be subject and loyal to the king, and watchful of enemies' council and advice' (*Jarl skal vera kononge sinum hollær oc trur. var oc sia væl við vüna röðom oc raðom*) (Hsk, 84–86).

96 Steinar Imsen, "landet Orknøy oc greuescapet ther same stadhs", *Historisk tidsskrift* 86, 2007, 220: 'Vilhelm ble etter hvert en sentral skikkelse i skotsk rikspolitik, og han hadde knapt tid til overs for Orknøyene'.

97 Crawford 2013, 360. Around that time, the question of Scotland's lapse in payments of the 'annual' prompted King Christian I of Norway and King James II of Scotland to seek out the mediation of King Charles VII of France. Huitfeldt claims that there had been extensive correspondence between the two kings about the payment of the 'annual' (HB, 76).

inciting a diplomatic fallout in the months before a planned summit of Norwegian and Scottish representatives in Paris at Whitsun in 1457. That meeting was cancelled when, in April 1457, Christian I complained to their French mediator, Charles VII, that Iceland's governor, Bjørn Thorleifsson, and his wife had been attacked and captured in Orkney by men associated to the Scottish crown:

Seeking shelter in the port of kingdom of Norway in Orkney and while waiting for the winds to calm with fixed anchor, no opposition could resist the attack of Bjørn's ships from nearby Scotland, and after a hard struggle, Bjørn, his wife, a remarkable woman, and all the family were seized, along with the prisoners' seized goods, jewels and furnishings, our tribute and the income, manumissions and capital of our churches in Iceland to the interior of Scotland and the presence of the king in such a way that cannot be excused on account of ignorance.⁹⁸

If credible, the account marks the first known incident of physical aggression against Norse dominions by a Scottish king since the 1260s. The alleged seizure of the governor, with James II's knowledge, would have been an affront to the agreement of non-interference that was entailed in the concept of dominion. Yet it seems unlikely. As Thomson explains, such a breach of peace would hardly have been in the interests of a Scottish king who, by this time, may have welcomed a diplomatic forum in which to demand a halt to the 'annual' payments.⁹⁹ Crawford speculates that the attack was privately engineered by William I, adding that this was 'a serious breach of international propriety, and could not have happened without the earl of Orkney's knowledge or indeed his connivance'.¹⁰⁰

At most an irregular resident of Orkney, William I was incapable of monitoring or controlling all hostile interactions along the frontier. As we will see in Chapter 5, it was during his absence from the isles that John MacDonald, earl of Ross and lord of the Isles, terrorized Orkney with seaborne attacks in 1460/61, the likes of which Orkney's earl seemed helpless or unable to resist. Even if we

98 NgL 2.2, no. 72 (appendix): '*se ut vindicaret salutem in portum regni nostri nowegiae apud orkadiam contulisset, fixaque anchora auram praestolaretur tranquillam, nihilque titubaret adversi quidam ex finitimis latebris Scotiae prodeuntes naves bernardis aggressi, post durum certamen bernarem praelibatum, uxorem ipsius, mulierem spectabilem, familiam et cunctos concomitantes captos cum bonis, jocalibus et clenodiis ae supellectilibus suis, tributisque nostris et ecclesiarum Islandiae redditibus, manumissos et captos vinctos ad interiora Scotiae et praesentiam regiam adeo notorie produxere, quod de ignorantia excusari non possit*'.

99 Thomson 2008, 195.

100 Crawford 2013, 360.

assume, as Crawford does, that the events of 1456/57 could never transpire unbeknownst to the earl, we still cannot equate his awareness of the attacks, or even his negligence in preventing them, with evidence of conspiracy. If, indeed, the earl orchestrated the assault in an effort to disrupt Norwegian-Scottish diplomacy, then it is remarkable that the Norwegian king, who otherwise purports considerable knowledge of the events as they occurred, was so thoroughly unaware that his own vassal in the region was his primary antagonist.

William I's marginalization from Norwegian-Scottish diplomacy was more likely the result of his dereliction of duty to the Norwegian king, and his subsequent removal from office. Until this point, we have argued against Crawford's view that endemic tensions between Norwegian and Scottish magnates tested the loyalties of Orkney's earls throughout the later Middle Ages. Rather, cooperation between Norwegian and Scottish rulers precluded any fundamental competition, thus alleviating the earls of pressure to side with one lord over the other. But the situation was reversed in 1460, when James II audaciously and unexpectedly demanded revision of the terms of the Norwegian-Scottish peace, and the initiation of the Northern Isles' transfer to Scottish authority.¹⁰¹ For the first time since 1263, the earl of Orkney was forced into a political fight-or-flight scenario. Although the legal ambiguities of his liege vassalage are likely to have been exaggerated, he was nevertheless compelled to either declare his personal loyalty to one lord over another, or flee the political arena in order to avoid contradicting the political strategies of both. For two years, between 1458 and 1460, delegates of James II and Christian I had negotiated the resolution of Scotland's debt of the 'annual', the finalization of which should be affirmed through the marriage of Prince James of Scotland and Princess Margaret of Denmark.¹⁰² But when James II assumed a more predatory stance with respect to the Northern Isles in 1460, William I must have observed the 'gathering storm clouds' and, like Magnus III nearly two centuries before him, sought refuge on the side most likely to emerge victorious, the king of Scots.¹⁰³

This must explain his failure to report to Christian I's court in Copenhagen despite repeated calls by the king in the months following the proposed transfer. At some point in the months after Christian I became aware of Scotland's plans on the isles, the Norwegian king called upon William I to attend royal court in Copenhagen, a condition of vassalage that was explicitly cited in both the thirteenth-century *Hirðskrá* and William I's own installation charter from

101 Ibid.

102 Ibid.

103 Ibid.

1434.¹⁰⁴ The following spring and summer, Christian I's baillies in Kirkwall and the bishop, Thomas Tulloch, issued letters excusing his absence, claiming that he, with the help of the Scottish king, was busy quelling the seaborne attacks of John MacDonald and his men.¹⁰⁵ Several months later, the absentee earl broke his silence with an audaciously self-serving letter of request. Writing from his estate in Roslin, William I attempted to persuade the king to lend support in retrieving goods that had been confiscated from the earl's cousin, Philip de Carribyr, while on a trading expedition in Copenhagen.¹⁰⁶ Most remarkable is the fact that William I remained silent on the then pressing matter of his continued absence. He perhaps sought to mollify Christian I's displeasure with a more subtle, flattering manner, referring to Christian I as his 'most excellent lord' (*vestre excellentissime maiestatis*) and claiming that 'I am always ready to do everything possible to render service and be prepared'.¹⁰⁷ However, if the tenor of the letter was meant to underscore the earl's subservience and duty to the Norwegian crown, the actual request catered solely to the welfare of his Sinclair kin. Christian I's second request in December 1461 emphasized that William I had not yet sworn an oath of fealty and thus demanded his presence at the royal court by the coming St. John's Day.¹⁰⁸

104 *Hirðskrá* stipulates that 'if the earl does not come to the king, unless he has a legitimate excuse of absence, whether it be that the king offers or demands hostages, or there are legal grounds for accusing the earl of dereliction, then he must admit his guilt, and all those who follow him or wilfully pledge him any obedience, then these are all condemned' (*ef jarl vill æigi til koma konongs loglega forfallalaust. þo at konongr biððe gisla eða bæiðizt eða værða suik sonn a. hæði jarle. þa ma hann dæmazt sannr at sok oc aaller þeir sem fylgia honom. eða nokora lyðni væita losteger. siðan. þa ero þeir aller vbota men*) (*Hsk*, 86).

105 The baillies and burgesses of Kirkwall cite William I's present work with the Scottish king in his conflict with the earl of Ross, before asking King Christian I, 'will you deign graciously to excuse our lord for his long absence from your majesty', adding that upon quelling the threat, the earl 'may go from us your lieges and our saved lands to your most gracious presence' (*graciam dominum nostrum de sua absencia longeva a vestra magestate exhibita excusare dignemini graciose [...] nobis vestris legiis et terris saluis ad vestram presenciam graciocissimam*) (*DN* 5, no. 827). The bishop of Orkney also explained that William I was with the king of Scots, struggling against the earl of Ross, in endeavours that 'will prevent the said lord, earl of Orkney, from visiting your most gracious majesty so soon as he intended' (*impedient dictum dominum comitem Orkadie vestram graciosissimam magestatem visitare tam cicuius ut disposuit*) (*ibid.*, no. 836) Cf. *REO*, nos. 22, 23.

106 *DN* 2, no. 840.

107 *Ibid.*: 'ad vestre excellentissime maiestatis obsequia ad queque michi possibilia faciendum me semper promptum offero et paratum'.

108 *HB*, 123; Crawford 2013, 362.

William I never managed to reassure the Norwegian king of his allegiance. In the years to follow, Christian I would rely solely on Orkney's lawman and the new bishop, William Tulloch, to represent his interests at the local level. Whether the earl's removal from office was made official by the king, or was merely effected through his practical marginalization, there can be little doubt that Christian I had ceased to regard William I as a reliable diplomatic agent. No longer working within the paradigms of his installation charter, and perhaps aware of the Norwegian crown's impotence to enforce its will in practice, William I may have continued to collect revenues from the isles, a point which Crawford believes inspired opposition from Christian I's principal agent along the frontier, Bishop William.¹⁰⁹ Capping off years of alienation from the Norwegian crown, William I may have gone a step further by endorsing, or at least allowing, the actions of his eldest son, also named William, who seized, bound in chains and forced oaths from the bishop in 1467.¹¹⁰ Although Norway's struggle with Scotland to maintain the allegiances of Orkney's earl was short-lived, covering less than a decade at the tail end of nearly two centuries of peace and cooperation, it had now reached a breaking point.

2.5 Conclusion

Christian I must have recognized his practical loss of control over the earl, appreciating that there was very little that he or those still loyal to him could do to compel William I to render his due service to the Norwegian crown in 1461. The affront to Norwegian authority directly preceded Orkney's impignoration to Scotland, and was symbolic of the rise and fall of the earldom as an institution for frontier peace. The Norwegian-Scottish alliance was both arranged in 1266 and dismantled in 1468 in the wake of an earl's desertion. Just as Magnus III had proven himself incapable of balancing his loyalties to two competing lords and caved to the pressure of the territorially ambitious and ostensibly stronger king of Scots, so too were William I's actions dictated by projections of the Scottish king's victory in the struggle of geopolitical ascendancy in the region. In both of these cases, Crawford's theory, that earls were bound to struggle in maintaining their dual allegiance to rival lords, remains uncontested.

Crucially, however, these were the only two instances in which Orkney's earls were put to that kind of test. At no point between 1266 and 1460 were they ever petitioned to abandon their associations to one lord in order to appease

¹⁰⁹ Crawford 2013, 362.

¹¹⁰ *SRD*, 440; cf. *HB*, 162.

the demands of another, and neither did their seemingly muddled, trans-border relations rouse trepidations on either side of the frontier. Whereas all coalitions with enemies of the crown were forbidden in thirteenth century legislation, and reiterated in the earls' installation charters in the fourteenth and fifteenth, associations with kings and their followers south of the Pentland Firth, who by virtue of the Treaty of Perth were regarded as partners in peace, were expressly endorsed.

Like Magnus III's actions in 1263, William I's prioritization of his loyalties almost two centuries later does not indicate that the dualistic, trans-border loyalties of the Orkney earldom were fundamentally unviable. Rather, it was an acute crisis in North Sea diplomacy brought on by the territorial ambitions of individual rulers. Just as Alexander III was determined to gain control of the Western Isles, even at the expense of war with Norway, so too was territorial expansion initially prioritized over alliance by James II and the councillors of the young James III. Thus, the latter were willing to press Orkney's earl, whose predecessors had long proven themselves as valuable mediators between allied kingdoms, to defect from the Norwegian to the Scottish camp.

This says little about the relevance of the 'Scottification' theory in explaining earls' actions in the late medieval period. Engrained in Scotland's political society even before the establishment of peace in 1266, earls retained and further cultivated their ties across the Pentland Firth throughout the period in focus. Given the Norwegian monarchs' endorsement of cross-border associations, we must conclude that the ethnic, cultural, social or political affiliations of its earls were immaterial in the crown's political strategies. Further, recognizing that William I was no more socially or culturally Scottish than his predecessors, his strong orientation toward Scotland in a political sense cannot be explained by those features alone. The only feature that truly set his situation apart from those of his predecessors was his Scottish lords' geopolitical outlooks, which were driven more by yearnings for expansion than by a desire for conciliation. By contrast, William I's predecessors, who were perhaps equally predisposed to Scottish influences, remained loyal to both crowns, thanks to the amicability and cooperative stance taken by those crowns to one another.

Loyalty, Leadership and Administration

In July 1423, David Menzies of Weem arrived in Copenhagen to state his case for appointment as King Eric III's and Queen Philippa's personal administrator of the then vacant earldom of Orkney. Several years earlier, the king had commissioned Bishop Thomas Tulloch to administer the country on his behalf, later augmenting his powers through a grant of Kirkwall Castle and the associated fief.¹ Despite this, Eric III granted Menzies 'as much as there justly belongs to the crown and kingdom of Norway, to manage, administer and preserve it on behalf of them and their successors', apparently shifting authority over the crown's private estates in Orkney while upholding the bishop's nominal authority as the country's governor.² In truth, the technicalities mattered very little, for Menzies had practically controlled and tyrannized the people of Orkney for several years with little obvious opposition from the bishop.³ Although borne in part from circumstance, the complexity and turmoil of governance during this time was not unprecedented along the late medieval frontier.

While the earldom was designed as the premier governmental regime in Orkney, in practice it was just one of many administrative arrangements devised by Norway's kings for controlling the frontier. On several occasions throughout the period in focus, the earldom languished in abeyance for years and even decades at a time, prompting rulers to install interim governors who could assume the administrative and military obligations normally ascribed to earls. In their shadow stood other lower-ranking officials bearing titles and performing duties that in some respects mirrored those of officials in Norway and other tributary countries. The nature of these non-comital administrative arrangements has been the subject of considerable scrutiny and some debate among historians of the Northern Isles. Crawford and Wærdahl in particular have weighed in on the authority vested in titles such as governor, sheriff, baillie, deputy as well as their success in cultivating royal interests alongside, or in the absence of, Orkney's earls. While not all of the intricacies of civic

¹ *DN* 2, nos. 657, 670.

² *Ibid.*, no. 676.

³ The people of Orkney recounted Menzies' tyranny in their communal complaint (*ibid.*, no. 691). For a thorough discussion of Menzies' misrule see e.g. Clouston 1932, 241–49; Thomson 2008, 173–77; Imsen 2012.

administration are directly pertinent for discussion here, the topic does raise questions regarding the Norwegian crown's strategies for managing its frontier with Scotland.

Non-comital governance provides another medium through which to examine the tenability of the 'Scottification' theory, and while a thorough exploration of its structure and function would go beyond the framework of this study, a closer look at the officials and their foreign associations should allow us to determine their influence on frontier dynamics. Like earls, many of the administrators employed along the frontier were foreigners with little or no prior associations with the community which they were to serve. Older scholarship portrays these appointments as demonstrative of both the Norwegian crown's diminishing capacity to block foreign influence, and diminished interest in preserving the 'national' integrity of Orcadian governance. Given the theories already advanced in this work, we should not expect to uncover direct intersections between Norwegian national interests and Orcadian local aspirations in every case. This raises the question of whether kings were adequately conscientious in selecting candidates to hold administrative authority and whether these appointments contradicted the foundations of public life in the isles.

3.1 Bipartite Governance

In order to understand the role these men played in Orcadian society in the late Middle Ages, one must appreciate their importance for the expansion of royal authority in the twelfth and thirteenth centuries. Earl Harald Maddadson's support of an uprising against King Sverre in Norway in 1194 provided the latter with an opportunity to impose new, more stringent controls on Orkney's earls. Compelling the earl's submission at a summit in Bergen in 1195, the king strengthened royal authority over the earldom by detaching Shetland, confiscating allodial estates, demanding public revenues in the form of fines, and installing 'sheriffs' (*sýslumenn*) to collect the crown's newly-won revenues and to monitor the activities of the then dubiously loyal earls.⁴ Owing their authority to the Norwegian crown by way of appointment, rather than by hereditary right, sheriffs were more pliable than the earls, and should have enabled the

4 See e.g. Clouston 1932, 130–34; Crawford 1971, 144–52; idem 2013, 242–46, 259; Thomson 2008, 120–27; Imsen 2000, 164–64; Orning 2008, 191, 226–27; Wærdahl 2011, 71–78; Orning 2008, 191, 226–27.

crown to limit the scope of comital power while providing anchorage for royal authority in the region.⁵

Yet the bipartite system proved to be problematic. Soon after King Sverre's death in 1202, Earl Harald assassinated the incumbent sheriff, Arne Lorje, in an effort to re-establish the autonomous authority he had enjoyed prior to the 1195 settlement.⁶ Although re-established by King Inge 11 in 1210, the arrangement proved divisive once again in 1231 when Earl John 1 was slain by the sheriff, Hanef *ungi*, following the two leaders' dispute over certain estates in Orkney.⁷ Despite serving as an arm of foreign, Norwegian rule, Hanef had local connections, was a kinsman of the late Bishop Bjarne of Orkney and was heir to property on the isle of Wyre.⁸ Opposition to sheriffs, it seems, was rooted less in antagonism toward foreign individuals than in the manner in which their office represented the alienation of power.

It is unclear how these tensions manifested themselves later in the thirteenth century. The next royal administrator to appear in power in Orkney was Ogmund *krøkidans*, a Norwegian baron whose appointment by King Magnus VI was merely a temporary solution to the political vacuum in the isles following Earl Magnus III's desertion in 1263.⁹ As Crawford points out, our only evidence for the activity of royal administrators stems from periods in which the earldom was in abeyance, either due to the minority of a successor, a break

5 Norse sheriffs carried out a range of judicial, fiscal, and military duties in their district. While these duties were similar to those of earls, their wealth and authority were more restricted. Although a sheriff was, as a rule, a non-hereditary office, it often developed into a hereditary post in practice. They were also subject to audits, and were obliged to transfer some revenues to the royal treasury. For a general overview see e.g. Andersen 1972; Helle 1964, 206–08; Wærdahl 2011, 143–58. Historians have debated whether they were ever a regular force in Orkney's governance. Crawford believes that sheriffs were only active during periods in which the earldom was in abeyance (Crawford 1971, 192, 201–02, 315–17; idem 2011, 49–50), while Wærdahl argues that there was a parallel governmental arrangement after 1195 which included both earls and sheriffs (Wærdahl 2011, 167). Historians also apply the term sheriff to officials who are not specifically named as such in the sources.

6 *Bs*, 120.

7 *HsH* 2, 423–27.

8 Thomson 2008, 132.

9 *Magnúss saga* reports that the king 'gave him authority there [Orkney], for the defence of the lands' (*fékk honum þar vald yfir til landvarnar*) (*MsL*, 156). Ogmund, a Norwegian baron, was King Hákon IV's sheriff of Orkdal in 1239 (*HsH* 2, 474) and served as royal envoy to Denmark in 1261 (*HsH* 1, 102). He fought for Hákon IV in engagements in Halland in 1254 (*ibid.*, 65), and in Scotland in 1263 (*ibid.*, 138). Installed as a provisional commander, there is no suggestion that he was given an administrative grant.

in the lines of succession, or a deliberate delay of a candidate's confirmation by the Norwegian crown. This was most likely the case in 1321, when King Robert I of Scotland addressed the 'appointed baillies of the lord king of Norway in Orkney' (*ballivis domini regis Norvegie in Orchadia*), an indication that Earl Magnus V, who had been present in Orkney a year earlier, was recently deceased.¹⁰ The evidence supports Crawford's conclusion that earls and other high-ranking administrators rarely governed simultaneously. Given no indication that King Sverre intended the bipartite system established in 1195 as a permanent solution, we should not be surprised to discover alterations to frontier governance between then and the late fifteenth century.

3.2 International Candidates

Earl Malise's death in or around 1350 initiated an extended period of non-comital rule in Orkney. Crawford argues that the Norwegian crown looked upon the earldom's abeyance with some contentment and opportunism, regarding it as an occasion to 'establish its officials in Orkney without any competition from an adult earl'.¹¹ If so, the crown must have been driven in part by an immediate economic incentive. By discontinuing the earldom, the crown could theoretically profit through the collection of revenues that were traditionally earmarked as comital benefices. More fundamentally, these incentives may have been compounded by diffuse concerns over the alienation of frontier governance. As we have seen, scholarship has tended to focus on the late medieval earldom as a vehicle for Scottish influence. Assuming that Norway's monarchs were sentient of this trend, then discontinuation may have presented opportunities to stall those foreign advances. If this was an opportunity to strengthen royal authority, or if there were a perceived threat of foreign influence, we should expect to find kings giving precedence to their most trusted Scandinavian agents, while blocking unfamiliar Scottish aspirants. Yet the crown advanced no coherent policy for either preventing or promoting Scottish-born administrators along the frontier.

In 1369, a high-standing Norwegian, Hákon Jonsson, is witnessed in a struggle for civic authority with Orkney's bishop, William IV. A settlement between the two parties explains that the bishop, who had seized coins and butter from 'the hands of our lord the king', and was commanded to deliver those revenues

10 *DN* 5, no. 68.

11 Crawford 2013, 320.

‘into the hands of Hákon’, who was to ‘be responsible for their use, for which he will answer to our lord the king’.¹² Although Hákon’s title is not specified, his use of royal revenues indicates that he held a grant to control the country and its revenues.¹³ Historians have speculated that the feud had national undertones, with the Scottish bishop butting heads with the Norwegian administrator over power.¹⁴ Brian Smith, however, rejects this interpretation, arguing that not only is there no proof of the bishop’s origins, there is also little indication in the text that the feud was inspired by nationalist sentiments.¹⁵

If King Hákon VI installed Hákon as a means of strengthening the Norwegian element of governance in the isles, as Munch implied, he reneged on his plan less than a decade later when he appointed Alexander de Ard as ‘procurator, captain and guardian’ (*procuratorem capitaneum et custodem*) of Orkney in 1375.¹⁶ As the eldest grandson of Earl Malise, de Ard had ancestral ties to the isles and a strong claim for succession to the earldom, yet was presumably born and raised in Scotland, where he held substantial sway as the rightful inheritor to the earldom of Caithness.¹⁷ His Scottish origins, and even his manifest ties to the Scottish crown as earl of Caithness, did not preclude his serving the

12 DN 1, no. 404: ‘varum herra koninghenum till handa [...] af henda Hakone fyrsagda gull peninga ok han skilde þar með gera sem han vill suarra fyrir varum herra koninghenum’.

13 Hákon was one of the most prominent Norwegian aristocrats, and would, in later years, serve as a leading member of the Norwegian council of the Realm. The great-grandson of King Hákon V, he even had a claim to the Norwegian throne and was, in 1388, compelled to pledge no intention of pursuing his claim (DN 3, no. 478). See e.g. Edvard Bull, ‘Haakon Jonsson’, in *Norsk biografisk leksikon*, vol. 5, ed. by Edvard Bull, Oslo 1935, 172–73; Wærdahl 2011, 232).

14 Munch 1863, 256–57.

15 Smith 2012, 167–73.

16 DN 2, no. 437.

17 Alexander de Ard was the eldest grandson of Earl Malise and, in accordance with Scottish inheritance practice, could succeed automatically to the earldom of Caithness (Crawford 2013, 325). As a minor, he may have come under the tutorship of Duncan Anderson, a powerful Scot who threatened to come to Orkney and seize the revenues from the earldom on behalf of his ward, whom he claimed had an automatic right to authority (DN 2, no. 337). The ward goes unnamed in Duncan’s campaign, but he is generally assumed to be de Ard, who is referred to as ‘legitimate heir to the late Earl Malise of Orkney’ (*legitimum heredem domini Malicii condam comitis Orkadie*) (ibid.) and later, in the *Genealogy*, as succeeding his grandfather, Earl Malise, ‘to the principal manor or manse of the earldom of Caithness by reason of his mother’ (*in principali manerio sive manso ratione sue matris Comitatus de Cathania*) (DN 20, no. 833) (Munch 1862, 648–49; Crawford 2013, 322). In contrast to Caithness, succession to Orkney was not automatic.

Norwegian crown, nor did it seem to have raised any specific reservations as to the nature of his office.¹⁸ His charter of appointment tells us that he was to retain half of 'all and sundry the lands and income, pensions and revenue of any kind that belong to the earldom of Orkney', transferring the other half to the king in Bergen.¹⁹ Furthermore, de Ard was to keep and use 'all funds uplifted by him as the fines of delinquents' save those taken as penalty for capital crimes, which the charter, in apparent recognition of de Ard's unfamiliarity of the Norwegian language and Norwegian legal customs, explains 'are called *orbotamal* in the language of Norway' and are reserved for the king.²⁰ Such rights were hardly restrictive and clearly demonstrate that de Ard held the highest gubernatorial post save that of earl.

Perhaps due to his recognition that Orcadians were unfamiliar with him and potentially sceptical of the outsider's appointment, Hákon VI issued a notification to the 'all the people of Orkney' (*ollum monnum j Orknøyuum*) the same day, declaring de Ard as his 'governor, guardian and rightful sheriff' (*høfwdzmanne, goimara ok rettom syslomanne*) and outlined the terms by which he was to govern the country on the king's behalf.²¹ He was to hold 'all those things and appurtenances that belong to the kingdom and to the earldom' and 'be at the head of this our country and people' for one year, at the end of which time he was to visit the royal court with evidence of his right and cause for asserting his claim to the earldom, as well as a full account of the revenue that he had collected during his term in Orkney.²² For their part, the people, both lay and learned, were to be 'ready, benevolent, obedient and compliant towards him and his officers in all those things which you owe to us and the kingdom and the earl, after the law of the country and old custom, and to none other

18 Alexander de Ard alienated the earldom of Caithness to King Robert II in 1375 (*RMS*, nos. 614, 615; *Caithness and Sutherland Records*, vol. 1, eds. Alfred W. Johnston and Amy Johnston, London 1909, 161).

19 *DN* 2, no. 437: '*omnium et singulorum reddituum ac prouentuum pensionum et obuencionum quarumcumque qui et que ad comitatum Orchadensem*'.

20 *Ibid.*: '*que orbotamal dicuntur in lingua noricana*'.

21 *Ibid.*, no. 438. Wærdahl has discussed the meanings of the various titles applied in those texts and notes that the title 'procurator' or 'lieutenant' (*ibid.*, no. 437) corresponded with the Norse '*høfwdzmanne*' and signified a provincial governor 'appointed by an overlord to exercise political and military power over a territory' (Wærdahl 2011, 233). For de Ard's obligations in light of Norwegian custom, see also Imsen 2000, 171–72.

22 *DN* 2, no. 438: '*land wart her med yder med ollum þeim lutum ok lunnendom sem konungdomenom ok jærldsdomeno [...] waro lande ok almugha firirstanda*'.

in any way'.²³ Anyone acting on the contrary would be deemed a 'veritable traitor to us and the crown of Norway'.²⁴ In threatening a charge of treason to the Norwegian crown for those failing to abide by the rule of a Scottish-born official, the king, perhaps unaware, illustrated the ambiguity between 'national' origins and political affiliations. The letter continues to explain that the people were to assist de Ard in all matters of law and justice, 'particularly in the event that any rivals, domestic or foreign, attempts to force him or his agents from their right and ours, which we have committed to his charge; and especially if anybody will prejudice our country of Orkney'.²⁵

De Ard's principal aim was succession to the earldom. Thomson proposes that the crown's delay in accepting his claim to that honour was prompted by resistance from the Scottish king, Robert II, whose support of de Ard was temporarily withheld until the latter relinquished his Scottish properties and titles to the Scottish crown.²⁶ Several months prior to the appointment in Orkney, de Ard surrendered his castle at Brathwell as well as all of his inherited lands in Caithness, and, several weeks later, quitclaimed his full right to Strathearn.²⁷ King Robert II's son, David Stewart, became the beneficiary in both instances.²⁸ During his term in Orkney, de Ard also turned over three davachs in Banff and an additional three davachs in Sutherland, the latter of which were transferred to another of the king's sons, Alexander Stewart.²⁹ According to Thomson, de Ard jettisoned his Scottish possessions in the understanding that he might gain Scottish 'approval' for his succession in Orkney.³⁰ Such a conclusion, which presupposes that Scottish support was a formal criterion for any campaign to the earldom of Orkney, is difficult to accept outright as the Treaty of Perth formally precluded the Scottish crown from contesting Norway's

23 Ibid.: *were honom ok hans vmbodes monnum greidhir godhviliugher lydhner ok eftirlater j ollum eftirlater j ollum þeim lutum sem þer erer os ok konungdomenom ok jarlenom skyldugher at gera eftir landzens ret ok fornóm sidhwana en engom adrom manne med nokro mo*. Cf. *REO*, no. 10.

24 Ibid., 'sanner landradha madher wider os ok krunona j Noreghe'.

25 Ibid.: 'serdeles ef nokrer vtlenzkir men æder jnlendzkir willia han þrengia æder hans vmbodes men fra sinom ret ok warom sem ver hafwm honom vmtruet, ok þa einkannelegha ef nokor will gera skadha a wart land Orknøia'.

26 Thomson 2008, 157–58; cf. Crawford 2013, 328–29.

27 *RMS*, nos. 614, 615; Thomson 2008, 158; Stephen Boardman, *The Early Stewart Kings: Robert II and Robert III, 1371–1406*, East Linton 1996, 99, note.

28 Thomson 2008, 158.

29 *RMS*, nos. 600, 601; Thomson 2008, 158.

30 Ibid.

delegation of lordship in territories north of the Pentland Firth. Yet it is equally difficult to overlook de Ard's attempts to appease and garner support from the Scottish king amidst his campaign for succession to the island earldom. While Norway's crown did not require Scottish backing when elevating officials in Orkney, Hákon VI may have worked in the interest of regional diplomacy by taking Robert II's support into account.

In placing full authority in the hands of a Scottish aristocrat, the king demonstrated either indifference toward or ignorance of what historians presume to have been growing 'national' tensions along the frontier. De Ard was to abide by the law and customs of the land and, when visiting the royal court the following year, provide a full account of the revenues he had collected in Orkney much like other stewards and governors in other parts of the Norwegian realm.³¹ Without further evidence for de Ard's 'acculturation' in Orcadian society, it is impossible to say how acquainted he was with Norwegian laws and Orcadian customs. Nevertheless, given the frequency with which such appeals to 'law and custom' were included in appointment charters in other parts of the Norwegian realm (and elsewhere), and given the lack of any specific limitations on his office, there is little evidence that de Ard's 'national' background was regarded as a basis for concern.

3.3 Kinsmen, Friends and Servants

There are indications that immigration by Scotland administrators continued and may have increased even in the wake of the earldom's restoration under Earl Henry I in 1379. Earls and other high-ranking governors were given dispensations to appoint officials at will, and, as we will see later in this work, were free to recruit kinsmen, friends and servants from beyond the border in Scotland as part of their military enterprise. The earldom appears to have been an avenue for the advancement of lower-ranking administrators in the region.³² In 1412, King Eric III granted Alexander of Clapham (*van Klapam*) all royal properties and revenues in Northmavine in Shetland, adding in the charter 'we forbid all men, fouds and deputies, and all other whosoever they may be, to hinder or disturb the aforementioned Alexander herein'.³³ Years earlier, in 1391, Clapham bore witness to a charter, drawn up in Kirkwall, involving Earl

31 Imsen 2000, 172.

32 Crawford 2013, 336.

33 DN 2, no. 623: '*ok firir biodum wi alla men. fogota ok embesmen. ok alla adra æ hwa þe helst ero fyrnempdan Alexander at hindra her vti. eller vforrætta*'.

Henry I's transfer of Scottish properties.³⁴ Presumably a Scot (or an Englishman), Clapham is believed to have first arrived in the isles upon the coat tails of the newly established Sinclair earl.³⁵ In 1418, John Sinclair, Henry I's son, received a life-long 'feudal grant' (*concessionem feodalem*) to the neighbouring province of Shetland by King Eric III.³⁶ While that Sinclair's promotion provides clear evidence that the Sinclair house was expanding its influence in the wider region, it is important to avoid assuming that trend as a mitigation of Norwegian authority *ex silencio*. King Eric III underscores that Sinclair obtained his grant to Shetland as a concession for 'the fealty and obedience shown by his father and the rest of his kindred'.³⁷ Thus, even after decades of what Thomson refers to as 'Scottish infiltration', the Norwegian crown demonstrated no attempts to curtail any such infiltration that would suggest concerns over 'national' disintegration along the frontier.

Remarkably, the crown's trust in Scottish-born administrators remained unshaken amidst the social and political turmoil in Orkney in the late 1410s and early 1420s. In 1416, Earl Henry II appointed his brother-in-law, David Menzies of Weem, as 'tutor testamentary' to the earl's heirs and their property in Orkney.³⁸ A Scot by birth and upbringing, Menzies infringed upon Norwegian laws and local rights more than any known figure in Orkney's late medieval history.³⁹ His transgressions, Clouston argues, were not merely reflective of his personal ambivalence toward the local community's welfare, but rather manifestations of the fundamental incongruity of Norwegian and Scottish customs, and the great ills of Scottish governance. Indeed, his stint in Orkney provides an unparalleled opportunity to scrutinize the Norwegian crown's stance on foreign immigration and the appointment of foreign officials, two themes that has also figured centrally in studies of foreign immigration in mainland Norway.⁴⁰ While the Orcadian's reception of Menzies and his foreign agents will be

34 Ibid., no. 525.

35 Crawford 1983, 40; Wærdahl 2011, 246–47.

36 DN 2, no. 647.

37 Ibid.: '*fidelitatis et obsequiorum pretexto per pii recordii genitorem meum et ceteros de cognacione*'.

38 Grohse 2014a.

39 Torfæus described him simply as 'a noble Scot' (*nobili cuidam Scoto*) (*Historiæ Orcadensis*, 178).

40 King Hákon V. stipulated that foreigners should not be granted military or administrative posts in Norway in 1319 (DN 1, no. 156), although this was most likely an aristocratic design, aimed at securing their pre-eminence over foreign appointees (Bagge 2010, 177). The main problems emerged after Norway's entry into the Kalmar Union. Gustav Storm underscored Norwegian animosities toward foreigners, saying 'certainly many of the natives

discussed in greater elaboration in Chapter 6, the focus here will remain on the crown's motives for entrusting Menzies with power, and the degree to which such appointments mitigated Norwegian control along the frontier.

It is essential from the outset to recognize that Menzies seized practical authority over the country and community of Orkney without any formal mandate. His original appointment as 'tutor testamentary' to Earl Henry II's heirs and property pertained solely to the Sinclair's private holdings, particularly those inherited by William Sinclair, Earl Henry II's principal heir and presumed successor to the earldom.⁴¹ The testament, which was drawn up in Edinburgh using Scottish legal conventions for property devolution, gave Menzies a right to administer the Sinclairs' private holdings and act as personal representative for William (and his unnamed siblings) in court proceedings in which the latter were still regarded *alien iuris*.⁴² Despite the understanding that William would succeed after his father's death, the young William's claim was not yet endorsed by the crown through formal investment, and the young Sinclair's status as a private, albeit exceedingly wealthy and promising individual, precluded Menzies from legally claiming public authority as a representative to the rightful earl of Orkney.⁴³

This was so even after the death of Henry II in or around 1420, at which point control of the earldom and country reverted to King Eric III, who promptly appointed Thomas Tulloch, bishop of Orkney, to hold the country, its inhabitants, and all royal rights pertaining thereto on behalf of the king and his heirs.⁴⁴ Menzies, however, had already established himself as the *de facto* chief in

also viewed them with unfriendly glares and felt themselves marginalized and pressured out by them' (*vistnok mange af de Indfødte har betragtet ogsaa dem med uvenlige Blik og følt sig tisesidesatte eller fortrængte af dem*) (Gustav Storm, "Om Amund Sigurdssøn Bolt og Urolighederne i det sydlige Norge 1436–38", *Historisk tidsskrift* 3, 1892, 107). For this view in older scholarship see also e.g. Ludvig Daae, "Bidrag til Norges Historie i Aarene 1434–1443", *Historisk tidsskrift* 4, 1877, 76; Lars Hamre, *Norsk historie frå omlag 1400*, Oslo 1968, 75, 77, 83–84. Erik Opsahl works from the premise that 'a king with his main seat outside of Norway must have looked differently upon those who should be perceived as foreigners or immigrants to Norway than than a domestic Norwegian king' (*en konge med hovedsete utenfor Norge, må ha sett annerledes på hvem som skulle oppfattes som utlendinger og innvandrere til Norge enn en norsk innenlandsk konge*) (Erik Opsahl and Sølvi Sogner, *Norsk innvandringshistorie*, vol 1. *I kongenes tid 900–1814*, Oslo 2001, viii). The theme is elaborated upon in Opsahl 2008; idem 2009; Imsen 2002, 45–51.

41 Grohse 2014a, 229.

42 Ibid., 229–32.

43 Ibid., 239.

44 DN 2, no. 657.

matters of justice, economy, public order and defence. His seizure of power, which is recounted in exquisite detail in the so-called *Complaint of the People of Orkney*, entailed a forceful, and at times violent overthrow of legitimate governance. Together with his band of foreign agents, Menzies used brute strength to subdue the commons and seize control of the 'tower' (*tornit*), the castle that had been constructed previously under Earl Henry I.⁴⁵ In July 1422, Eric III granted the castle and related fief to Bishop Thomas, an act that historians have taken as evidence of the crown's recognition of the threat which Menzies posed to Norwegian control in the isles.⁴⁶ It is worth noting, however, that King Eric III makes no mention of conflict or contest in 1422. Previous charters for frontier officials, such as that issued by King Hákon VI for Alexander de Ard in 1375 and for Earl Henry I in 1379, included rules tailored to specific conflicts in the local communities.⁴⁷ This raises the question of why the king, if fully aware of Menzies' transgressions, was not more forceful in explicitly blocking him from infringing on the bishop's authority as a royal governor and castellan.

The most logical explanation would be that royal court officials were simply ignorant of Menzies' activities. Such a conclusion is consistent with Menzies' track record of deception. The *Complaint* reports that he seized the community's seal for officiating public documents in order to 'write under that [seal] whatever he pleased'.⁴⁸ He is also known to have prevented Orcadians, including William Sinclair, from travelling to Copenhagen with reports of his transgressions.⁴⁹ When Menzies personally lobbied for a commission at the royal court in July 1423, the full extent of his despotism was yet unknown to his prospective Scandinavian superiors. Whilst still concealing a litany of transgressions, Menzies was promoted by Queen Philippa on behalf of her husband, Eric III, to 'manage, administer and preserve' (*forestaa fordeythinge oc foreware*) the earldom of Orkney on behalf of the and his successors.⁵⁰

Scandinavian scholars have long condemned Eric III's administration for alienating public governmental offices to foreigners with tenuous roots and

45 Ibid., no. 691.

46 Ibid., no. 670. Peter Anderson posits that the grant was aimed at curbing Menzies power, for 'against such a strongman', the bishop could not control the fortress nor effectively execute his civic authority (Peter Anderson, "Cathedral, Palace and Castle: The Strongholds of Kirkwall", in Doreen J. Waugh (ed.), *The Faces of Orkney: Stones, Skalds and Saints*, Edinburgh 2003, 86–87).

47 *DN* 2, nos. 437, 438, 459.

48 Ibid., no. 691: '*mate scriua ther tha vnder hwat han wilde*'.

49 Ibid.

50 Ibid., no. 676.

interests in the local communities over which they ruled.⁵¹ It was in this period of Norwegian history that the system of fief-holding, which had been developing since the late fourteenth century, was expanded to allow avenues for the king's Danish and German favourites to obtain land and governmental office in Norway.⁵² The influx of foreigners was met with increasing resistance from both the Norwegian aristocracy and peasantry. Oft-cited examples of this include the peasant uprising against the 'German' viceroy of Rakkestad, Herman Molteke, in 1424/26, and Amund Sigurdsson Bolt's rebellion against primarily Danish officials around the Oslo Fjord in 1436/37.⁵³ Many of the unpopular castellans and fief-holders appointed by Eric III were recruited from the king's network of Danish or Dano-German supporters, suggesting that his policies for the Nordic territories entailed a high degree of nepotism and clientage which belied the emerging national programs in Norway and Sweden.⁵⁴

Given Eric III's apathy regarding communal self-determination, it is perhaps unsurprising that he was willing to alienate authority over his estates

- 51 Lars-Olof Larsson notes that although King Eric III was monarch of Norway, Sweden and Denmark, he is commonly known as Erik of Pomerania in academic and popular literature, thereby portraying him 'as a German outcast, fundamentally foreign for the three kingdoms' true national interests' (*en tysk utböling, i grunden främmande för de tre rikenas sant nationella intressen*) (Lars-Olof Larsson, "Engelbrekt Engelbrektsson och upproren in Sverige", in Kunt Arstad (ed.), *Konge, adel og opprør. Kalmarunion 600 år*, Oslo 1998, 83; idem, *Kalmarunionens tid. Från drottning Margareta till Kristian II*, Stockholm 1997, 149). For a general discussion of Eric III and foreign officials see e.g. Imsen 1998, 94–96.
- 52 For a survey of governance, including fief-holding, under the Kalmar Union and, in particular, Eric III, see e.g. Aksel E. Christensen, *Kalmarunionen og nordisk politik 1319–1439*, Copenhagen 1980; Moseng et al., 1999, 329–32, 358–61; Imsen 2002, 77–83; Jerker Rosén, "Län", in *Kulturhistorisk leksikon för nordisk middelalder fra vikingetid til reformationstid*, vol. 11, 1966, 103–08.
- 53 For Rakkestad: *DN* 2, nos. 680, 681, 682; for analyses see e.g. Halvdan Koht, *Norsk bodereising*, Oslo 1926, 26; Imsen 1990, 140–43; Magne Njåstad, *Grenser for makt. Konflikter og konfliktløsning mellom lokalsamfunn og øvrighet ca. 1300–1540*, PhD dissertation, Norges teknisk-naturvitenskapelige universitet, Trondheim 2003, 102–05. For the Bolt uprising: *DN* 3, nos. 733, 735, 736; *DN* 2, no. 727; for analyses see e.g. Daae 1877; idem, "Nye Studier til Oprørshøvdingen Amund Sigurdssøns Historie", *Historisk tidsskrift* 3, 1890, 488–99; Storm 1892; Imsen 1990, 143–47; Njåstad 2003, 111.
- 54 Opsahl 2008; idem 2009. The Swedish push for national independence from the Danish-controlled monarchy was even stronger than in Norway. Resentment toward foreign rule was coupled with animosity toward foreign officials. The most noteworthy expression there was the popular uprising led by the aristocratic Engelbrekt Engelbrektsson in the 1430s. See e.g. Larsson 1998; idem, *Engelbrekt Engelbrektsson och 1430-talets svenska uppror*, Stockholm 1984; Henrik Schück, *Engelbrekt*, Stockholm 1915. Engelbrekt's uprising is often viewed as a model for the Norwegian activism (Moseng et al. 1999, 336).

in Orkney to a Scottish nobleman with little apparent regard for the local communities' welfare. Indeed, the legitimacy ascribed to Menzies' tyrannical governance reflects, as Scandinavian scholars have oft lamented, the detriments of fief-holding, which not only opened doors for unprincipled individuals to exploit local inhabitants, but also robbed local communes of the system of home-rule that they had long enjoyed.⁵⁵ Nevertheless, we should question the crown's motives in favouring Menzies, a man with no apparent prior associations to the royal court, in the struggle for power along the frontier. Recognition of Menzies' seizure of crown property, including crown revenues, without royal mandate would surely dissuade the king from placing his trust in the Scottish nobleman. Without any evidence of personal favouritism toward Menzies, the only plausible explanation for the king's grant is that Menzies, who controlled the means of communication between the frontier and the royal court in Copenhagen, succeeded in concealing his transgressions and convincing the king of his obedience.

Menzies' grant in 1423 was drawn up in Copenhagen under the oversight of Queen Philippa, who was then the acting regent on behalf of the king during his European tour.⁵⁶ Remarkably, the incumbent governor, Bishop Thomas, was also on hand to witness Menzies' promotion, suggesting that he was either stripped of his office due to the crown's lack of confidence in his administration, or was coerced into sharing authority with Menzies as the more imposing force in the isles.⁵⁷ There, Menzies received the 'earldom and country of Orkney, as much as there justly belongs to the crown and kingdom of Norway' (*ierledøme oc land Orknøy swo mekit som ther j kronen ok konungedømet j Norghe*), pledging for his part to govern them 'duly and lawfully, as a goodman ought to do on behalf of his rightful lord in matters of trust' (*shiellike ok*

55 Imsen 1998, 101–07.

56 Although Eric III departed Denmark in August, 1423, he apparently had already delegated authority in this matter to his queen, Philippa, in the preceding months. For the king's journey see e.g. William Møllerup, "Kong Erik af Pommerns Udenlandsrejse 1423–1425", *Historisk tidsskrift* [DK] 5, 1881/2, 713–44.

57 Clouston noted that the bishop's presence as surety to the grant reveals that Menzies' commission could not have clashed with the bishop's preceding grants, adding that the terms of the Menzies' commission suggest that his rights were confined to control and revenues of the crown in the Norway (*REO*, no. 17, note). While the bishop is likely to have retained some authority – we see him as one of two 'governors' (*gubernatores*) in Orkney in 1425 (*DN* 6, no. 423) – Menzies' commission may have conflated the public and private authority. In the *Complaint*, Menzies is referred to as 'foud' (*foghata*) (*DN* 2, no. 691), which suggests his authority was much like that of a baillie (*REO*, lxix–lxxiv, esp. lxix).

laghlike som en goth man bør vppa sin rette herris weyne j tro).⁵⁸ Given Menzies' prior contraventions against public order, it is worth questioning what he and the queen regarded to be 'lawful' (*laghlike*) action. Although the grant contains no specific procedures for the administration of justice or the collection of revenues, Menzies does swear to keep Orkney 'steadily, firmly, and inviolably, on my good faith and truthfulness, without wickedness' (*stadhighhe faste ok vbrøthelike at holde with myn gothe tro ok sannende wten arght*).⁵⁹ These were empty promises. But despite the slack royal control of the frontier, there was still, at this point, no evidence of a national competition. Menzies exploited the relative weakness of Orkney's civic order at the time, in what appears to have been a self-serving campaign. His associations with other members of Scotland's aristocracy, apart from Earl Henry II, played no obvious role in his political strategies in Orkney, nor is there any indication that the Scottish crown sought to capitalize on Menzies' seizure of power. Rather, it shows that if, as historians claim, the isles were indeed being incrementally alienated to Scotland, that process was not yet palpable enough to impel the crown to affirm its authority through restrictive immigration policies.

If Menzies' appointment had the potential to further destabilize life along the frontier, the immediate threat was placated when, immediately or soon after receiving his grant, Menzies relinquished his hold on the isles and immersed himself in Scotland's diplomatic affairs with England.⁶⁰ In his wake, a new power struggle for public authority emerged in Orkney, this time between the young William Sinclair, who had only recently come of age, and the former governor, Thomas Tulloch. A letter compiled by the Orkney community and addressed to Queen Philippa in 1425 indicates that they had news that the queen and council had received word of the recent troubles in Orkney and had dispatched 'venerable letters' (*venerabiles literas*) to inquire into the roots and outcomes of 'discords and diverse controversies that had arisen between our governors, that is to say, the bishop and earl'.⁶¹ It is unclear how or under what mandate the bishop and 'earl' obtained gubernatorial authority. Given the queen's superficial knowledge of affairs in the isles, and given the lack of

58 DN 2, no. 676.

59 Ibid.

60 Following his visit to Copenhagen in the summer of 1423, Menzies returned to Scotland and, together with William Sinclair, visited King James I, who was then imprisoned in the Tower of London. Menzies remained as a hostage, spending some time between March 1424 and July 1425 in the Tower (Thomson 2008, 177). He likely never returned to Orkney.

61 DN 6, no. 423: '*discordijs et diuersis controuersie mocionibus inter nostros gubernatores episcopum videlicet et comitem exortis*'.

any surviving investment charter for William Sinclair, we must conclude that Orcadians' use of the term 'our governors' (*nostros gubernatores*) in reference to Sinclair, as well as to Tulloch, must apply to the former's *de facto*, rather than *de jure*, authority.⁶² Furthermore, the use of the title 'earl' (*comitem*) was presumptuous, for it would be more than a decade, in 1434, until Sinclair was formally recognized by the crown as earl of Orkney.

3.4 Royal Baillies

Apart from Orkney's earls, only four men – Ogmund krøkidans, Hákon Jons-son, Alexander de Ard and Thomas Tulloch – are known to have received a royal commission to act as principal governor over the entire country. Two points must be underscored when reviewing their role in frontier developments. First, all of these men were 'outsiders' in the sense that they were born and/or raised outside of Orkney, in either Norway or Scotland. Although the first two were Norwegian barons, the latter two had roots in Scotland, a point which figures into the 'Scottification' model. Yet the crown, which held exclusive authority over the appointment of governors in its territories, appears to have been unmoved by the presumed threat of Scottish encroachment. If anything, the Norwegian king's appointment of Scots suggests only that Orkney, which was never conceived of as an ethnically isolated or homogeneous society, was regarded as a land of opportunity for Scottish elites in the later Middle Ages. So long as those governors pledged to protect Norwegian interests, the crown was willing to facilitate their enterprises. Second, none of these men are known to have held their post for

62 In her inquiry, Queen Philippa had called upon the 'governors' and other members of the Orkney community to present themselves at the royal court and council 'for correction of that needing correction, and reformation of that needing reformation' (*ad corrigendum corrigenda et reformandum reformanda*) (ibid.). The composers of the text, however, gave what Thomson regards as 'rather specious excuses' (Thomson 2008, 177), that 'our foresaid governors were in the kingdom of Scotland' (*in regno Scocie predicti nostril gubernatores exstebant*), where 'our bishop occupies himself in his studies at the University of St Andrews, while the earl remains with his highness the king of the foresaid realm for dealing with certain necessary and arduous business affecting his lordship lying in the said kingdom' (*nam in vniuersitate sancti Andree studendi gracia idem noster episcopus sedule occupatur. comes autem cum memorati regni magnifico rege in necessariis certis et arduis negocijs sua dominia in eodem regno iacencia tangentibus commoratur*) (DN 6, no. 423). We must assume that the 'burgess[es] of Kirkwall' (*combургensem de Kyrkwaw*) mentioned in the text were negotiating day-to-day administration in those two men's absence (ibid.).

more than a few years, suggesting some degree of instability in the higher echelons of frontier administration.

Perhaps the most stable, reliable figures in the Norwegian crown's arsenal of administrative agents along the frontier were the royal baillies. Terminologically, there is no immediate distinction between the Norse title of 'sheriff' (*sýslumaðr*) and the Latin title of '*balliv*', and historians are willing to accept the possibility that the latter was simply a Latinization of the former.⁶³ However, in scrutinizing their civic station and activities, it is apparent that by the late Middle Ages, those styled as baillies in Latin documents occupied a lower rung of frontier governance, with considerably less independent authority in local affairs, than did the one known holder of that title in the late medieval era, Alexander de Ard.⁶⁴ With comparatively limited powers, and commissioned by Norway's kings for more strictly defined objectives, baillies were probably installed in the town of Kirkwall for the express purpose of managing the crown's interests in direct cooperation with the communal leaders.⁶⁵ The immediacy of these administrators' service to king is witnessed

-
- 63 Clouston regarded the title '*balliuum*' in 1312 (*DN* 2, no. 114) as 'steward' (*REO*, no. 1), while Imsen suggested that it denoted the Norwegian sheriff, the 'ordinary *sysselmen*' (Imsen 2000, 176). Wærdahl generally supports this view, arguing that the baillie known to us from 1312 performed the duties normally ascribed to sheriffs, including policing and prosecution of justice (Wærdahl 2011, 165). She also points out that '*ballivus*' is the standard term given to Norwegian sheriffs in Latin documents, admitting that there is, nonetheless, little consistency in the translation of Latin titles into Norwegian, making it challenging 'to find exact counterparts to offices and titles in the different kingdoms' (*ibid.*, note 22).
- 64 Known also as 'governor' (*høfwdzmanne*) and 'guardian' (*gøimara*), de Ard's office of 'sheriff', if indeed synonymous with 'baillie', did not alone grant him high gubernatorial authority (*DN* 2, no. 438). There were often multiple baillies in Orkney at a given time (e.g. *DN* 5, nos. 68, 827). Furthermore, they were in place even during the incumbency of an adult earl (e.g. *ibid.*) and functioned alongside other communal officials. In 1455, the 'baillie of Kirkwall' (*balzhe of Kyrkwaw*), Angus Magnuss, was couched within a list of other mid-tier members of the local government (*REO*, no. 89), demonstrating their modest station in frontier government.
- 65 The position as it was manifest in Orkney corresponded to the Norwegian '*gjaldkeri*', an office outlined in King Magnus VI's *Urban Law* from 1276. Appointed by the king, but working closely with the local property-owning representatives of the community, the '*gjaldkeri*' (cf. e.g. Lt: *villicus, sculdasius, exactor*) in the collection of royal revenues in the town (see e.g. *NgL* 1.2., 240, 246; Alexander Bugge, *Studier over de norske byers sylvstyre og handle for Hanseaternes tid*, Christiania 1899, 24; Dieter Strauch, *Mittelalterliches nordisches Recht bis 1500. Eine Quellenkunde*, Berlin 2011, 174). Later adopting the title of 'town foud' (*býfögiti*), these officials were elected by the urban commune (*ibid.*; cf. *NgL* 1.4, 360–63).

in a stipulation of the Treaty of Perth, which specified that the Scottish payments to the Norwegian crown should be delivered to Kirkwall and 'into the hands of the bishop of Orkney or of the baillie of the lord the king of Norway whom he specially deputed for this purpose'.⁶⁶

Baillies in late medieval Orkney were typically members of the civic community of Kirkwall, often holding the related title of 'burgess' in conjunction with that of baillie.⁶⁷ Despite being interwoven in the urban fabric of life, baillies could be relative newcomers. This is witnessed with the first town administrator known to us by name from the period, Thomas Sinclair, who appears on record as 'baillie of the king of Norway' (*balliui regis Norvegie*) in Kirkwall in 1364.⁶⁸ A member of a Lowland Scottish family that first made inroads in Northern Scotland through the support of the earl of Ross in the mid-fourteenth century, Sinclair was probably either himself an émigré to Orkney, or was at least one of the first generations of that family to be born in the isles.⁶⁹ He maintained his associations to Scotland even after his appointment in Orkney, overseeing transactions of land in Caithness while situated on the northern end of the frontier in Kirkwall.⁷⁰ This was not a fundamental conflict of interests. On the contrary, his prior associations may have been deemed beneficial insofar as they facilitated negotiation with merchants and officials from beyond the border, the majority of whom must have entered Norwegian jurisdiction through Kirkwall's harbour.⁷¹

66 DN 8, no. 9: '*in manibus episcopi Orchadie seu balliui ipsius domini regis Norvegie ad hoc per ipsum specialiter deputati*'. The setting of the delivery, in St. Magnus Cathedral in Kirkwall, highlights the ecclesiastical focus of these administrators.

67 Contemporary use of the term 'burgh' in reference to that town appears to derive from Scottish nomenclature, yet is not supported by a corresponding Norwegian town charter. King James III elevated Kirkwall to a royal burgh on March 31, 1486, taking greater control over the municipality as well as St. Magnus Cathedral. See e.g. Anderson 2012, 5; Crawford 2013, 375. Crawford contends that there can be 'no doubt that Kirkwall was a constituted burgh under the previous regime' (*ibid.*). By the fifteenth century, that town had clearly evolved into a municipal corporation governed by officials under Norwegian royal mandate and thus resembled the royal burghs of contemporary Scotland (*ibid.*; cf. *idem* 2014, 156–57).

68 REA, 106–07.

69 For Ross and the Sinclairs see Crawford 1971, 216–23.

70 REA, 106–07.

71 Crawford posits that Kirkwall's population would have had a 'dominant influence on the islands' culture', and that its trading associations with Scotland would have made it 'the main centre for Scottish incomers and the transmission of the Scots language' (Crawford 2015, 157).

Robert of Bening, who first appears on record as one of the burgesses of Kirkwall who transferred the Orcadian's letter to Queen Philippa in 1425, is referred to as 'baillie of the borough of Kirkwaw' in charters from 1433 and 1435.⁷² John Haraldsson held the title of 'balye off Kirkwaw' soon after in 1438.⁷³ Both men appear to have been on good terms with William I Sinclair, whom they accompanied on his journey to receive royal confirmation as earl in Copenhagen in 1434, and who referred to them as his 'kinsmen and friends' (*propinquorum et amicorum*).⁷⁴ In apparent recognition of their service, and perhaps in accordance with William I's petitions, the men were honoured with the rank of 'armiger', a dignity reserved to members of the king's network of retainers and officials.⁷⁵

King Eric III evidently had no qualms about recruiting the earl's associates to act as his own frontier administrators. Paradoxically enough, this reflects the crown's own tenuous relations to the earl, who was frequently absent from Norwegian jurisdiction and, as a consequence, repeatedly unresponsive to royal communiqué. If the baillies continued to foster their ties to the earl in Scotland while still fulfilling their duties as the crown's eyes-and-ears in Orkney's capital, they could serve as a medium for contact between the royal court in Scandinavia and the earl in Scotland. Their intermediary role is readily apparent in their correspondence between William I and King Christian I in 1460/61. In a letter dated 29 February 1460, Thomas of Kirkness and John Mager, the 'burgesses and baillies of your burgh in Kirkwall' (*burgenses et balliui vestri*

72 *DN* 6, no. 423; *REO*, no. 208; *DN* 20, no. 809. In the latter document, he is referred to only as one of several 'burgesses of Kirkwall' (*burgencium de Kirkewaw*).

73 *REO*, no. 30.

74 *NgL* 2.1, no. 74.

75 *Ibid.* The title 'armiger', which corresponded to the Norwegian 'væpner' or 'sveinn á vápn' (Wærdahl 2011, 222), had its place in a number of developing systems of heraldry throughout Europe at the time, although it is far less specific than the highest gradation of gentry, the knight, which was granted by kings in reference to specific military obligations and, later, social, economic, and political ones. For gradations and the development of knighthood see e.g. Nigel Saul, *Knights and Esquires. The Gloucestershire Gentry in the Fourteenth Century*, Oxford 1981; Peter R. Coss, "Knights, Esquires and the Origins of Social Gradation in England", *Transactions of the Royal Historical Society* 5, 1995, 155–78; Opsahl 1991/2. Armigers derived this title from a range of more ambiguous sources, including membership of a once knightly family, candidacy for knighthood, service to a knight, or various other mid-tier military capacities and credentials. As arms- or armour-bearing men, the title certainly carried with it military connotations, particularly in incidents when kings and lords called upon their subjects to take up arms (Coss 1995, 157–59). Armigers (or squires) corresponded roughly to the ordinary retainers or 'hirdmenn' described in *Hirðskrá* (Wærdahl 2011, 223).

burgi de Kyrkwaw), reported to King Christian I that the isles had recently suffered devastating attacks by John MacDonald, earl of Ross and lord of the Isles.⁷⁶ Earl William I, they claimed, had heeded the advice of the Scottish king and was engaged in 'his earldom of Caithness and elsewhere' (*in comitatu suo Cathtanie et alibi*) in an effort to put an end to MacDonald's cruel attacks.⁷⁷ Given the earl's preoccupations, the baillies entreated the king to excuse his failure to attend the royal court in Copenhagen.

It appears that by this point, the king was now almost totally reliant on his officials in Kirkwall for political anchorage and insight into affairs across the frontier. The baillies' letter demonstrates that the two channels of political interaction – that running between the king and local commune, and that between the local commune and the earl – were not yet abstracted from one another, at least in a nominal sense. Along one plane, the king's local officials cultivated a direct link between the royal court in Copenhagen and the local administration in Kirkwall, receiving the king's inquiries and relaying reports of local conditions. Along another, they maintained contact with the earl across the border in Scotland, assembling news of his dealings with both the Scottish king and his Scottish enemies. Finally, intersecting the two avenues, they conveyed the earl's appeal to the king, pleading with the king to excuse him for his absence from court. Although historians have prudently questioned the genuineness of those officials' loyalty toward the crown, their letter suggests that they were appealing to the notion, although perhaps not their true conviction, that the Norwegian crown was still the supreme authority in that frontier community.

3.5 Conclusion

The bipartite system of governance implemented under King Sverre in the late twelfth century does not appear to have been maintained rigorously in

76 *DN* 5, no. 827. The dating of this letter is somewhat confusing. The baillies dated it '*ultimo Februarii*' 1460. Clouston accepts that date on the assumption that the baillies were adhering to the Norwegian calendar (*REO*, no. 22). However, as Crawford points out, the fact that they did not refer to the saint's day, as was typical in Norwegian diplomatic tradition, suggests that they were following the Scottish calendar. A more likely date is therefore the last day of February, 1461 (Crawford 1971, 310; *idem* 1969, 41). It is worth noting that the baillies wrote the letter together with 'the community of the earldom of Orkney' (*communitas tocius comitatus Orkadie*), further emphasizing the link between baillies and the local community (*DN* 5, no. 827).

77 *Ibid.*

later centuries, but it did enable greater delegation of authority to civic agents that were not directly recruited or subordinate to Orkney's earls. By extension, scrutiny of the crown's civic administrators provides insight into a more dynamic dimension of frontier governance that is less dictated by lineage and traditions associated with the comital institution. Although there were similarities between Norwegian and Orcadian administrative offices, the latter appear to have been more susceptible to change than historians have generally accepted. Recognizing the lack of continuity between one office to the next, it appears that rulers often installed administrators in response to immediate circumstances and because of favouritism. Thus, the known appointments allow us insight into the crown's strategies as well as some grassroots developments along the frontier.

Scrutiny of the known administrators reveals that appointees had no exclusive locus of origin or affiliation. While a scarcity of source evidence prevents us from commenting on their qualifications, we can exclude 'national' origin as a factor in their advancement, since we find Norwegian, Scottish and local Orcadian men acting as royal administrators at various points throughout the late Middle Ages. Nor is there any apparent differentiation in the authority granted to one ethnic or national group over another: The Norwegian governor Hákon Jonsson appears to have commanded roughly the same authority as the Scottish Alexander de Ard. This may also apply to the lower-ranking administrators, the royal baillies. The first recorded baillie known to us by name, Thomas Sinclair, was a cadet of a Scottish house that had only recently made inroads into the frontier in the 1360s, while his successors in the fifteenth century appear to have had mixed Scottish and local ancestries.⁷⁸ While the latter were most likely local men, their affiliations with Scotland were not an apparent problem, as we find most supporting both the Norwegian king and Earl William I in his endeavours in Scotland.

If the crown appears unconcerned with the origins and national associations of its higher and lower-ranking administrators, the inhabitants of Orkney were likely to be more discriminating in their support. King Hákon VI's letter to the people of Orkney in 1375, for instance, suggests that Orcadians threatened

78 These include Robert of Bening in 1425 and 1433 (*DN* 6, no. 423; *REO*, no. 208), John Haraldsson in 1438 (*ibid.*, no. 30), Thomas of Kirkness and John Mager in or around 1461 (*DN* 5, no. 827), and Angus Magnuss (*REO*, no. 89). If John Haraldsson and Angus Magnuss(on) had what appear to be 'Norse' primary patronyms, at least the latter had a decidedly Scottish-sourced Christian name. Thomas of Kirkness' name was decidedly local, while his partner, John Mager, may bear a form of the Scottish name MacGee (*ibid.*, 52, note 1).

to resist the appointment of an unknown figure as head of governance, while their suffering under David Menzies of Weem was, as we will see later in this study, grounds for nativist action. Localism was apparently a factor in the appointment of crown baillies, for we find them consistently engaging in civic duties alongside other prominent members of the local island community. Crucially, it was as locals that these baillies cinched the trans-national ties that were first proposed in 1266. Although 'Norwegian' officials charged with the administration of society within a Norwegian jurisdiction, these men fostered connections with Orkney's earl in Scotland, relaying news from the royal court in Edinburgh, across the frontier and to their sovereigns in Scandinavia. In this respect, they not only fulfilled mundane duties as Norwegian bureaucrats, but also engaged in more far-reaching aims of inter-state mediation.

Bishops and the Border

In the summer of 1426, Thomas Tulloch, bishop of Orkney, travelled to Bergen to take part in a diplomatic summit aimed at reiterating the intentions and conditions of peace first launched between the kingdoms of Norway and Scotland in 1266. In the preceding years, the bishop and most of his flock in Orkney had suffered under the tyranny of David Menzies of Weem, a much-maligned Scottish nobleman with a penchant for employing other unwelcome Scots in Orcadian affairs. However, tensions between local and foreign men in Orkney were not on the docket in Bergen; rather, it was the Scottish crown's failure to make good on its promise of annual payments to Norway that drew diplomats to the bustling Norwegian town. Together with his ecclesiastic cohorts from Bergen, Oslo and Hamar, as well as several members of the knightly class, Bishop Thomas greeted the delegates of King James I of Scotland in late July, and together they substantiated the goodwill of Norwegian-Scottish affairs by renewing the terms of the Treaty of Perth for the second time.¹ While this fell within the ambit of macro-level politics between monarchical states, Bishop Thomas must have recognized its implications for peace along the frontier and for the prosperity of the Orkney community. Thus, in fulfilling his duties as a royal representative, the Orkney prelate was also tending to grassroots interests along the frontier.

The participation of Orkney's bishops in Norwegian-Scottish affairs was both an asset and a risk. Their familiarity with Scottish society meant that they were ideally placed to facilitate amicable and fluid interaction with Scotland's monarchs and their various secular and ecclesiastical agents. However, Norway's kings were not always inclined to delegate solemn diplomatic duties to frontier prelates, some of whom racked up dubious records of loyalty to the Norwegian crown at the local communal level. In examining their participation in the administration of frontier governance, on the one hand, and their negotiation of Norwegian-Scottish affairs, on the other, it is important to determine why Norway's rulers at times relied on these clerics, and at other times marginalized them from the political ambit. Munch proposed that endemic tensions between Norwegian secular authorities and Scottish clerics uncovered bishops' preference for Scottish practices of ecclesiastic management and true allegiance to Scotland and the Scottish people. While Munch's charged

¹ DN 8, no. 276.

rhetoric has been tempered in recent studies, the theory that bishops accelerated Orkney's supposed 'Scottification' is still central in surveys of the frontier's late medieval development. Just as the pillars of the theory have been questioned with respect to secular civic administration, so too should we re-address the theme in regard to the frontier's other great edifice of political authority: the bishopric.

4.1 Integration and Mobilization

The bishopric of Orkney played a crucial role in the early political development of the Northern Isles and the promotion of Orkney as a renowned principality.² Prior to the mid-thirteenth century, the link between secular and ecclesiastical authority was strongest at a local level where earls and bishops cooperated to promote the church as an autonomous symbol of power.³ This is most evident during Earl Rognvald Kali Kolsson's and Bishop William *gamli*'s collaborative efforts to canonize the late Earl Magnus I and erect a grand cathedral – St. Magnus Cathedral – in his honour in the 1130s.⁴ It is described by Crawford as 'a monument to the power, prestige, piety – and wealth – of the medieval earldom'.⁵ These efforts went a long way toward establishing the earldom as a regional powerhouse in its own right, an aim that was shared by contemporary rulers across Northern Europe.⁶

While incorporation of the bishopric into the Norwegian province of Nidaros was in some respects a natural step in the consolidation of Norse ecclesiastical authority in the mid-twelfth century, it has also been regarded as a concerted effort to stymie competing attempts to bring it within the Scottish

2 Although not regarded as a Norse metropolitan until its incorporation into the newly established archbishopric of Nidaros in 1151/52, it began to fall into the Norwegian ambit while still a suffrage of the archbishopric of York around 1100, when King Magnus III pushed for the installation of a bishop, William *gamli*, presumably a Norwegian nominee, during his western campaign of 1102 (Crawford 2003, 144).

3 Ibid., 145.

4 For the establishment and growth of the St. Magnus cult, see especially Haki Antonsson, *St. Magnús of Orkney. A Scandinavian Martyr-Cult in Context*, Leiden 2007; Crawford 2013, 202–12.

5 Idem 2003, 145.

6 Haki Antonsson says that in 'personally associating their authority with a saintly relative these rulers strengthened their own claim to power. The cults were thus princely in every sense of the word' (Haki Antonsson, 2007, 2).

orbit.⁷ Crawford argues that ‘the inclusion of Orkney within the Norwegian archiepiscopal sphere of authority during this period of time was therefore of very great importance for the maintenance of Norse culture in the islands, especially Orkney’.⁸ The Norwegian crown’s associations with and influence over Orkney’s ecclesiasts was particularly evident in the mid-thirteenth century, when King Hákon IV orchestrated the nomination of Henry, a local canon with obvious loyalties to the Norwegian monarchy.⁹ The king’s efforts proved advantageous for the crown during the Norwegian campaign against Scotland in 1263, as Henry remained with the king’s fleet and headed a pivotal diplomatic summit with King Alexander III at the eve of battle at Largs.¹⁰ During their retreat in Orkney, Henry also hosted and entertained Hákon IV at his residence in Kirkwall, caring for the stricken king in his final days.

Bishop Henry’s most important function for Norway was that of diplomat. Soon after Norway’s retreat in 1263, Henry headed an embassy to Scotland on behalf of King Magnus VI. Despite the initial failure of the Norwegian king’s overtures – Henry and his fellow envoys were threatened with imprisonment or death – the bishopric remained an essential resource for Norwegian-Scottish relations.¹¹ This is evident in the attention directed to the bishop and

7 On the early history of the Nidaros province see e.g. Oluf Kolsrud, *Noregs Kyrkjesoga*, vol 1, *Millomalderen*, Oslo 1958; Arne O. Johnsen, *On the Background for the Establishment of the Norwegian Church Province*, Oslo 1967; Steinar Imsen, “Nidarosprovinsen”, in Steinar Imsen (ed.), *Ecclesia Nidrosiensis 1153–1537. Søkelys på Nidaroskirkens og Nidarosprovinsens historie*, Trondheim 2003, 15–39; idem, “The Nidaros Church and its Province”, in idem (ed.), *Ecclesia Nidrosiensis’ and ‘Noregs veldi’. The Role of the Church in the Making of the Norwegian Domination in the Norse World*, Trondheim 2012b, 15–44. For Orkney’s integration in particular see Crawford 2003; Barbara E. Crawford, “The Bisopric of Orkney within the Archdiocese of Trondheim, 1152–3–1247”, *New Orkney Antiquarian Journal* 4, 2009, 47–68. For the bishopric’s archdeaconry of Shetland see Brian Smith, “The Archdeaconry of Shetland”, in Steinar Imsen (ed.), *Ecclesia Nidrosiensis 1153–1537. Søkelys på Nidaroskirkens og Nidarosprovinsens historie*, Trondheim 2003, 161–69.

8 Crawford 2003, 146. Cf. Imsen 2012b, 15, where it is one of the crown’s ‘state-building ambitions’.

9 In 1247, Pope Innocence IV granted ‘Henry, canon in Orkney’ (*Hendrico canonico Orcadensis*) a dispensation for his illegitimate birth at the behest of the papal legate to Norway, the archbishop of Nidaros, and ‘our dear son in Christ, the illustrious king of Norway’ (*in Christo filii nostril regis Norwegie illustris*) (*DN* 1, no. 42).

10 *HsH* 2, 132. Days before the engagement, King Hákon IV sent Bishop Henry, together with Bishop Gilbert of Hamar and three Norwegian knights, to seek out King Alexander III of Scotland and to negotiate a truce.

11 King Alexander III allegedly complained that the ‘Norwegians had burned and plundered more than a third of Scotland’ (*Norðmenn hefðu brent ok herjat meirr en þriðjung af*

St. Magnus Cathedral in the Treaty of Perth, where it is stipulated that the Scottish king's initial payments to Norway were to be paid out 'within eight days of the nativity of St. John the Baptist, in Orkney, namely the land of the lord the king of Norway, in the church of Saint Magnus, into the hands of the bishop or Orkney or of the baillie of the lord the king of Norway specially deputed by him for this purpose'.¹²

The king's first choice of bishop, rather than an earl or other secular official, can be explained in part by the proven track-record of clerics as mediators of peace both within and beyond the bounds of the Norwegian realm.¹³ Bishop Henry's participation in the ad hoc summit between King Hákon IV and King Alexander III in 1263, as well as his formal duties as King Magnus VI's commissioner in 1264, demonstrated that prelate's interest in placating tensions along the frontier. By 1266, Henry had gathered considerable experience in Orcadian affairs and most likely had valuable insights into the conditions and customs of political discourse in the neighbouring kingdom of Scotland. The bishop was probably also one of the few inhabitants of the frontier capable of tackling the bureaucratic tasks associated with the transfer of the 'annual' payments, as these demanded not only literacy and a familiarity with contemporary diplomacy, but also an intimate knowledge of the terms of the Norwegian-Scottish accord.¹⁴

Skotlandi), and sought symbolic retaliation against the Norwegian delegates (*MsL*, 155). Lustig suggests that the king may have rejected the envoys due to their participation in the Norwegian campaign (Lustig 1979, 38). However, Alexander III received the bishop, together with two Norwegian Franciscans, in a second embassy several months later (*MsL*, 156).

12 *DN* 8, no. 9: *infra octauas natiuitatis sancti Johannis baptiste jn Orchardia terra scilicet domini regis Norwegie in ecclesia sancti Magni in manibus episcopi Orchardie seu balliui ipsius domini regis Norwegie ad hoc per ipsum specialiter deputati.*

13 This was witnessed early in the internal affairs between Norway's kings and their bishops in the tributary countries. In the 1240s and 1250s, King Hákon IV employed Bishop Henry of Hólar to persuade the Icelanders to submit to the king's rule and accept his taxes, an effort which, although not immediately successful, set the groundwork for Iceland's eventual submission (Wærdahl 2011, 93, 95, 97). In another case, the bishop of Orkney in the late twelfth and early thirteenth centuries, Bjarne Kolbeinsson, was instrumental in resolving disputes between Norway's kings and Orkney's earls (Thomson 2008, 122).

14 Upon receiving the payments in St. Magnus Cathedral, the recipient, be it the bishop, the canons or a specially-commission baillie, must then 'give letters of acknowledgment for the payment' (*debunt sis literas adquietationis et faeta solutions*) (*DN* 8, no. 9). To read, interpret, and compile letters of a formal nature, diplomatic agents needed competency in Latin – the *communis lingua* of Western Christendom – as well as knowledge of contemporary writing styles and formulations (Chaplais 2003, 131–32).

Although Scotland's recurrent failure to make good on the 'annual' payments in subsequent decades reduced the bishopric's role in one dimension of frontier diplomacy, prelates continued to serve as intermediaries between the Norwegian and the Scottish spheres. Bishop William III was present at the diplomatic summit between delegates of the two kingdoms in Inverness in 1312. In negotiating a resolution to recent conflicts between Norwegian and Scottish subjects, the bishop, together with Earl Magnus V, appended his seal to a copy of the resolution which was to be kept by King Robert I of Scotland.¹⁵ Interestingly, while most of the Norwegian and Scottish representatives, including Magnus V, were also involved in the renewal of the Treaty of Perth, William's name is notably absent.¹⁶ As in the original treaty from 1266, the bishop of Orkney was to be the first in line to collect the 'annual' payment from the Scots. His crucial role in that arrangement may explain why William, like Bishop Henry in 1266, was not party to the signing of the agreement. In both cases, delegates minimized the concerns over corruption by excluding the bishop. It was on the king's behalf that they, and not the bishop himself, appointed the bishop to collect the payments.

4.2 Estrangement

Historians often regard Bishop William III's incumbency as a turning point in Norway's relations with its frontier bishopric. An axis for peaceful discourse and political integration since the late twelfth century, the bishopric is believed to have become increasingly estranged from the Norwegian realm in the course of the fourteenth century, as leading prelates began fostering their relations with Scotland's secular and ecclesiastic elites at the expense of their loyalties to Norway and the realm. The admittedly porous biographies of Orkney's 'troublesome bishops' – William III and his successor, William IV – are thus prisms through which to examine the validity of the 'Scottification' theory.

Beginning around 1319, reports began to surface about William III's personal and professional transgressions in Orkney, the most serious of which included the pilfering of rents and revenues from smaller churches in the diocese and the alienation of episcopal estates. Following a thorough inquiry, the archbishop suspended William III from office, threatening him with

¹⁵ *DN* 2, no. 114.

¹⁶ *DN* 8, no. 276.

excommunication if he failed to repay the embezzled funds.¹⁷ Struggling to rationalize the bishop's actions, historians have often looked to his associations south of the Pentland Firth and assumed that his adoption of Scottish mores predisposed him to a brand of corruption that was intolerable from a Norwegian perspective. For Munch, the bishop's behaviour was in keeping with the 'licentiousness' (Tøjleløshed) common among European, and especially Scottish, ecclesiasts, while for Thomson and Crawford, the bishop's resistance to the collection of Peter's Pence, a church tax collected in Norway, but not Scotland, exposed his Scottish inclinations.¹⁸ Smith, by contrast, emphasizes that there is no evidence indicating that William was a Scot, nor any suggestion that Scottish mores were any more 'licentious' than those common among ecclesiasts in the Norse world.¹⁹ The bishop's objection to the archdiocese's collection of taxes was, in Smith's view, driven by his 'extravagant housekeeping', rather than his adherence to Scottish national tradition.²⁰ The same applies to further allegations that the bishop ruined the bishopric through 'alienations of land and enfeoffment' (*per prediorum alienaciones et infeudaciones*); had given room to 'aliens, vagabonds, and diverse religious apostates' (*alienigenas, vagabundos, ac etiam diversarum religionum apostatas*); and had engaged in 'clamorous huntings, and that sort of levity' (*clamosis venationibus, ac hujusmodi levitatibus*).²¹ Although historians have at times projected nationalist sentiments upon the case, it is noteworthy that despite careful investigation and thorough condemnation of the bishop's behaviour, the archbishop omitted any allusions to Scottish influence or to the general denationalization of

17 The case against William III hinged upon claims that he had imprisoned Engelbrecht Lünning, a canon of Orkney and later archdeacon of Shetland who had been appointed by Bishop Halvard of Hamar to collect Peter's Pence in Orkney (*DN* 6, no. 124; *DN* 9, no. 87). Archbishop Eilif of Nidaros appointed a commission to investigate William III's behaviour and suspended him (*ibid.*, no. 86). Engelbrecht continued his campaign against the bishop in 1322 (*DN* 7, no. 97) and received papal backing in 1326 (*DN* 6 no. 124).

18 Thomson 2008, 155; Crawford 2009, 57. As Crawford argues, William's presumed Scottish origins and education led him to appropriate funds from local churches and handle the economic affairs of the bishopric 'in a way that made it more in line with contemporary Scottish practice' (*idem* 2003, 150).

19 Smith 2012, 166–70. Smith also notes that the bishop was exonerated of charges of licentiousness, even if other claims were upheld (*ibid.*, 167). Cf. *DN* 9, no. 85, where it is emphasized that rumours concerning the bishop's sins of the body and 'incontinences' (*incontinentiam*) to be 'false and groundless' (*falsa et inania*).

20 Smith 2012, 169. Cf. Buckham H. Hossack, *Kirkwall in the Orkneys*, Kirkwall 1900, 61.

21 *DN* 9, no. 86.

the frontier diocese.²² Rather, the archbishop attributes William's actions to personal transgressions, explaining them to be expressions of the bishop's 'own dissolute life' (*sic dissolute vivendo*).²³ Reiterating the lack of national motifs in any of the sources pertaining to the investigation, Smith concludes that in inquiring into the bishop's behaviour, his superiors in Nidaros were 'concerned that the bishop was wasting his time and dispersing the church's property; not that he was introducing mythical Scottish practices and interlopers into the place'.²⁴

William III's successor, William IV, has also been accused of accelerating Orkney's gravitation toward Scotland through the invitation of foreign prelates and practices from beyond the frontier. As noted previously, William IV was engaged in a struggle with Orkney's crown-appointed administrator, Hákon Jonsson, in the late 1360s over the dispensation of civic authority and revenues in the isles. According to the settlement between the two parties from May 1369, the bishop had employed 'servants' to seize land and property belonging to Hákon and his men.²⁵ Although the text is silent on the matter of their origins, Munch and others have assumed that the men in the bishop's service were Scottish, claiming that the document 'demonstrates clearly enough that the bishop and his followers not only tried to push Scots into the most influential positions in the isles, to the disadvantage of the Norwegians and their king, and generally carry on with considerable violence, but had, moreover, also been engaged in a private feud with Hákon Jonsson'.²⁶ Munch based his view in part on his previous conclusions about William III's associations with 'aliens', believed by Munch to have been Scots, and a single interpolation from the 1369 accord which reads that 'the lord bishop shall have good countrymen of Orkney and Shetland in his service, as other bishops have had and have in the realm of the king of Norway'.²⁷ Although hardly as emotive as Munch, Thomson agreed that 'the warning that the bishop should have 'good native men about him' is an indication of the continuing unpopularity of Scottish

22 Reference to 'aliens' has been read as an allusion to William's introduction of Scottish clerics by e.g. Munch 1862, 32; Thomson 2008, 155.

23 *DN* 9, no. 86. Cf. Smith 2012, 169.

24 *Ibid.*, 170.

25 *DN* 1, no. 404.

26 Munch 1862, 916–17: 'Heraf fremgaar tydeligt nok, at Biskopen og hans Tilhængere ej alene havde søgt at trænge Skoter ind i de indflydelsesrigeste Stillinger paa Øerne, til Skade for Nordmændene og deres Konge, og overhoved gaaet frem med megen Voldsomhed, men at de derhos ogsaa havde ligget i Privatfeide med Haakon Jonsson [...]'.

27 *DN* 1, no. 404: 'hera biscop skall hafua goda men jnlenska j Orkneyum ok Hiatland at þiona sik eptir þui sem adrer biscopar halfua haft ok hafua j Norex konongx rike'.

clerics'.²⁸ The issue of 'national' affiliations in this case will be addressed further in Chapter 7 of this work, but it should suffice to say at this point that the theory that national tensions underpinned the conflict has been roundly attacked by Smith, who claims that 'Munch's 'national feud' is a myth'.²⁹ Not only does he question the Scottish origins of the bishop, he also asserts that localism, more than nationalism, was the driving force behind the document's nativist undertone.³⁰ Pointing to the communal arbitrators in that case (see below), Smith emphasizes that 'some of the mediators who promulgated the agreement were themselves Scots clerics, who by that time may well have regarded themselves as Orcadians. Their objection was not to Scotsmen but to interlopers from outside the local community, from the east [in Norway] as well as from the south [in Scotland]'.³¹

While it is unclear how the conflict between William IV and Hákon Jonsson transpired in subsequent years, it is obvious that the bishop remained in his position with the assent of Norway's crown, which continued to regard the wayward prelate as a potential threat to royal governance in the isles. Crucially, however, evidence attesting to that fact should also exonerate him of charges that he was, as Munch claims, pursuing a categorically anti-Norwegian and pro-Scottish campaign. When the Scottish-born Alexander de Ard was appointed as King Hákon VI's administrator of Orkney in 1375, the king singled out the bishop, commanding him and all other men to support Alexander and assist him in justice, particularly 'if any foreigners or natives attempt to force him or his agents from their right and ours'.³² In implying his concerns about the bishop's potential obstruction of Alexander, a Scot, the king's demand also reveals that the prelate was not strategizing along categorical national lines or promoting a pro-Scottish policy. Several years later, in 1379, Earl Henry I pledged as a condition of his installation that

28 Thomson 2008, 157.

29 Smith 2012, 172.

30 Ibid., 171. Smith argues that 'the latest bishop may not have been a Scot at all; I have wondered from time to time if he might be William Johnsson, the archdeacon of Shetland who signed a document in Unst nine years earlier' (ibid.). Cf. *SD*, no. 11 and *DN* 3, no. 310, where 'lord William Jonsson, archdeacon of Shetland' (*herra Villiamr Jon son erkidiacn af Hiatlandi*) was one of several 'good-men' (*godir men*) to set their seals to a transfer of land in Shetland in 1360. Smith questions further whether 'the Henry Williamson whose seal is attached to the 1360 document is the man with the same name who was one of the bishop's mediators in 1369' (Smith 2012, 171, note 42).

31 Ibid., 171.

32 *DN* 2, no. 438: '*þet þarfuazt serdeles ef nokrer vtlendzkir men æder jnlendzkir willia han þrengia æder hans vmbodes men fra sinom ret ok warom*'.

we shall make no coalition with the bishop of Orkney nor settle or establish any friendship with him unless with the good pleasure and consent of our said lord the king, but we shall assist him against the said bishop until he does what is right or he deservedly should do in those things in which our said lord the king desires or may reasonably demand of the said bishop.³³

King Hákon VI clearly maintained reservations toward the bishop and sought to marginalize him from secular government. However, here too we struggle to find any categorically national motifs. Whereas Hákon VI placed his full trust in Henry I, a Scottish nobleman by birth, upbringing and socialization, he was clearly sceptical about William IV, a prelate who had resided in the isles for at least a decade and, crucially, had no substantiated associations with Scotland.³⁴ The bishop's troubled career came to a close in or around 1382 when, according to a brief entry in the *Icelandic Annals*, he was 'slain in the Orkneys'.³⁵

The following year saw the conflicting appointments of two successors: John, rector of Fetlar (Pentlar), who was elected by the cathedral chapter and confirmed by the Roman curia, and Robert Sinclair, a candidate who was probably from the earldom's extended family who was sponsored by the Avignon papacy.³⁶ Evidently an outgrowth of the Papal Schism, which was then dividing the loyalties of Europe's dioceses, scholars have viewed the latter appointment as evidence of the Sinclairs' prioritization of Scottish ecclesiastic interests, which tended to support Avignon, in opposition to the policies advanced by

33 *DN* 2, no. 459: 'nullam debeamus facere colligacionem cum episcopo Orchadensi nec vllam amiciam cum ipso statu(e)re uel jnire nisi de ipsius domini nostri regis beneplacito et consensu. sed ipsi auxilio esse debemus contra ipsum episcopum donec sibi fecerit quod juris est vel que merito facere tenebitur super hiis in quibus ipse dominus noster rex velit uel possit ipsum episcopum rationabiliter accusare'. Cf. *REO*, no. 11.

34 In contrast to William III, who is recorded as being present in Inverness at the diplomatic summit in 1312 (*DN* 2, no. 114), there is to date no surviving documental evidence suggesting or attesting to William IV presence in the Scottish mainland or interaction with members of Scotland's social or political elite.

35 *IA*, 282: 'hormulig tidendi gerduzst j Orkneyium at drepinn var Vilialmr byskup'. Crawford considers the possibility that the earl was responsible for the killing, or perhaps, alternatively, that the earl's cousin and rival, Malise Sperra, was to blame (Crawford 1971, 242; idem 2003, 150, 156; idem 2013, 340–42).

36 *Fasti Ecclesiae Scoticanæ Medii Aevi ad annum 1638*, eds. Donald E.R. Watt and Athol Murray, Edinburgh 2003, 251; *Calendar of Papal Letters to Scotland of Clement VII of Avignon 1378–1394*, ed. Charles Burns, Edinburgh 1976, 160. Thomson assumes that John was a Norwegian (Thomson 2008, 163), although his background as rector of Fetlar on the North Isles of Shetland actually suggests that he had a local background.

Nidaros in support of Rome. If so, Sinclair's effect on the frontier diocese was short-lived, as both candidates were quickly displaced, first by the former bishop of Greenland, Henry, and again by John Pak, a former monk from Colchester in England, who was provided by Boniface IX, the Roman pope, in 1396.³⁷ As Crawford concludes, the restoration of a Roman bishop demonstrated that 'both ecclesiastical and other ruling groups in Orkney were committed to the maintenance of the Norwegian links and the status quo regarding Church loyalties'.³⁸ Nevertheless, she assumes that the schism, which supposedly polarized the 'established population and the incoming Scots', continued to destabilize the frontier until its final resolution in 1418.³⁹ This is suggested by evidence of opposition to Bishop John during his incumbency. In 1422, James of Cragy, a prominent member of the Orkney community, received a passport or testimonial from other Orcadians, including the lawman, attesting that he was

a firm supporter of the reverend of the Christ's church, John of Colchester, by divine permission the late bishop of our church of Orkney and the canonical institute, sustained great injustice, many hardships, molestations, damages, indignations and injuries by multiple adversaries of the said bishop.⁴⁰

While it is possible, and indeed tempting, to believe that Bishop John's hardships were borne of the diametric struggle within the Church and the struggle between national loyalties, the evidence is too sparse to decipher. As we have already seen, after all, Bishop William IV, whose incumbency predated the schism by decades, also experienced hardships culminating in his death.

4.3 Rapprochement

In stark contrast to Orkney's fourteenth-century bishops, the leading prelates of the frontier church in the fifteenth century were, in most respects,

37 Robert Sinclair was probably never in possession of his seat or incomes in Orkney, and was translated to the diocese of Dunkeld by Clement VII of Avignon in 1391 (Crawford 2013, 341).

38 Crawford 2013, 341.

39 Idem 2003, 151.

40 *DN* 20, no 754: '*Iacobus erat fir[missimus] adiuuator reuerendo in Christo pa[tri] Johanni C[olchester], permissione diuina quondam episcopo nostro Orkadensi catholico et canonice instituto, [...] uero que per aduersarios dicti episcopi quam plures iniustos labores multos, odia, molestias, dampna, inquietaciones ac iniurias sustinebat*'. Cf. *REO*, no. 16.

staunch supporters and willing beneficiaries of the Norwegian crown. Soon after the death of Earl Henry II in or around 1420, King Eric III commissioned Bishop Thomas Tulloch, to 'all of the Orkneys, with all royal rights, to hold them under the hand of him and his legitimate descendants, kings of Norway, and to retain them as long as his grace orders'.⁴¹ Apparently, as the first instance in which a bishop of Orkney was granted full authority over the country as the royal administrator, the grant demonstrated an important reversal in the crown's policy toward the bishop. Reviving the policy taken by kings in the late thirteenth century, King Eric III appears to have viewed the bishopric as a reliable edifice of Norwegian authority along the frontier. Promising to return the country's control to the king when called upon, the bishop also pledged to hold the people of Orkney in 'law and justice as stipulated in the Norse law-book and as old statutory custom of the country hereto has been'.⁴² If fears of Scottish encroachment had unsettled kings at the close of the fourteenth century, such concerns were immaterial at this time. Thomas was by all accounts a Scot by birth and upbringing, with roots in the diocese of Brechin in Angus.⁴³ Installed in the diocese by Pope Martin V in 1418, he had not served in Orkney for an extended length of time before gaining Eric III's trust as his principal administrator.

Two years later, in 1422, Eric III promoted the Orkney prelate once more, this time with a grant of 'the castle and fortress of Kirkwall, situated in Orkney in Norway, with the country of Orkney and the countship in the same place, not for mortgage or debt or security, and in no way than on right good trust and the law of castles'.⁴⁴ It is, however, improbable that the bishop ever translated

41 DN 2, no. 657: '*allar Orknøyar medh allum konungligom ræt hanum oc hans laghlega erfuingium efterkomandum konunge j Norege halde til hande oc sua lengæ fylgia sculdandes sæm hans nadh til sigher*'. Cf. REO, no. 14.

42 DN 2, no. 657: '*efter pui sæm noren laghbook watar oc gamul landz skelleghæ sidwæne her til hafer warit*'. Cf. REO, no. 14.

43 Crawford 2003, 151.

44 DN 2, no. 670: '*slot oc fæste Kirkqaw. liggende j Orknøy j Norghe meth landet Orknøy oc greuescapit ther same stadhs, eke for pant eller skyld eller scadhegeld, oc j enge andre made wten pa ræt godh tro oc slotlouen*'. Cf. REO, no. 15. The term 'law of castles' (*slotlauen*) is explained further in that text as that which 'a faithful man should receive castle and fortress, land and fief, from his rightful lord' (*en tro man bør at aname slot oc fæste land ok lææn aff sin rætte here*) (ibid.). In this context, it pertained to a promise to return the castle to the king or his heirs upon the king's death and outlined several scenarios for how the fief was to revert back to the crown (ibid.). See Jerker Rosén, "Slotsloven", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid fra vikingtid til reformasjon*, vol. 16, 1971, cols. 225–27.

his nominal authority into practical power. Both of the bishop's grants were made during David Menzies' reign of terror, and he appears to have been absent from Orkney for much of the period. He was one of two aspirants to governmental authority (the other being the future earl, William Sinclair) in the wake of Menzies' departure from the frontier in 1423, but soon after returned to Scotland in order to 'occupy himself in his studies at the University of St Andrews'.⁴⁵

As in the case of Earl William I whose associations and frequent residency in Scotland did not dissuade the Norwegian crown from vesting authority in him, Bishop Thomas's contacts across the frontier did not throw up any red flags for Eric III. In July 1426, Bishop Thomas was in Bergen to greet delegates of King James I of Scotland and to renew the terms of the Treaty of Perth.⁴⁶ There, he was listed as one of the 'solemn envoys of venerable fathers and lords' (*solempnes nuncios videlicet venerabiles patres et dominos*) comprising the Norwegian legation, which also included the king's chancellors, a knight, and several armigers.⁴⁷ As one of two bishops, Thomas was the only representative of the Norwegian crown with links to a tributary province. Unlikely to be a coincidence, the Orkney bishop's Scottish roots and experience in frontier affairs must have made him an advantageous choice for appointment on the Norwegian delegation. His special role at the summit is underscored by his 'special mandate' (*special mandatum*) from Eric III to confirm the renewal by touching the Bible and taking a public oath, acts which may reflect his obligation to handle the proposed renewal of 'annual' payments in Kirkwall *as per* the treaty's conditions.⁴⁸ This is expressed in a separate document from October 1426, in which Thomas urged the king to allow him to collect the

45 DN 6, no. 423: '*in vniuersitate sancti Andree studendi gracia idem noster episcopus sedule occupatur*'. Cf. REO, no. 19. Although in this, their letter to Queen Philippa, the people of Orkney emphasize that Bishop Thomas was one of two 'governors' (*gubernatores*) in Orkney, they also expressed their preference for William Sinclair.

46 DN 8, no. 276.

47 Ibid.

48 Ibid. Despite decades of stagnation and arrears in the late thirteenth and fourteenth centuries (Crawford 2013, 353), the possibility that the payments might recommence presented an opportunity for the bishop who expected it to be funnelled through his diocese in 1426. This is expressed in a separate document from October 3, 1426, in which Bishop Thomas urged the king to allow him to collect the payment on the crown's behalf, pledging that 'with God's help, nothing illicit shall arise in this errand on our behalf, and for our sake' (*oc at ether nadhe scal meth gudz hielp wforsymeth bliue j thet ærende vpa wore weyne oc fore wore schyld*) (DN 2, no. 689).

payment on the crown's behalf, pledging that 'by your grace and with God's help, nothing illicit shall arise in this errand on our behalf, and for our sake'.⁴⁹ Thomas' appeal reveals the continued potential of the frontier Church in managing foreign relations, as it also gives testament to a wider body of clerics who would, if mandated, negotiate the transfer of funds between Scottish and Norwegian jurisdictions.⁵⁰

Despite his immersion in Orcadian and Norwegian affairs, Thomas maintained his links to Scottish dioceses, as is witnessed by his participation in an embassy of Scots to the papal curia in 1440/41. On his return through Flanders, King Henry VI of England issued to him and his ten companions letters of safe and secure conduct to travel through England on their way back to Scotland.⁵¹ Perplexingly, but also tellingly, the English king referred to the party there as a group of 'Scots who had already been in Flanders' (*Scotos in Flandria jam existentes*) and named the bishop specifically as 'Bishop Thomas of Orkney in Scotland' (*Thomam Episcopum Orcadiensem in Scotia*).⁵² Henry was mistaken about the nature and origin of the bishop's authority in Orkney, although his

49 Ibid.: 'oc at ether nadhe scal meth gudiz hielp wforismeth bliue j thet ærende vpa wore weyne oc fore wore schyld'.

50 Accompanying the bishop to Bergen were 'Angus of Kirkness, archdeacon of Shetland' (*Angusius de Kirkenes erchediaekn j Hiætland*), and 'John of Tulloch, regular canon in Scone' (*Johannes de Tulach canonicus regularis de Scona*). The latter, a prelate in the royal Scottish abbey of Scone, was also an illustrious member of the Tulloch house with ties of kinship to King James I of Scotland (Crawford 2003, 157). Crawford proposes that John, a man with no other known associations with the Orkney church or any other Scandinavian diocese, attended talks in Bergen 'in order to protect the interests of the Scottish king' (ibid.). That theory is tenuous, however, for the document makes no explicit reference to the canon's association with the Scottish crown, nor was he listed as one of the Scottish delegates involved in the renewal of the Treaty of Perth earlier that July. The presence of Angus of Kirkness is also significant in that it demonstrates that Shetland, which in many instances was peripheral to the main developments along the Norwegian-Scottish frontier, fostered associations to Scotland vis-à-vis the frontier church. The arrival of the Tullochs no doubt expedited this, as is evidenced by the advancement of at least three members of that family to the archdeaconry between 1439 and 1457: Malise of Tulloch (1430–1445), David Tulloch (1457), and Thomas Tulloch (1457) (Smith 2003, 164). Brian Smith notes that Angus may have been an agent in the bishop's own schemes, claiming 'this is a period when the archdeacons of Shetland were interested in the affairs of the Orkney chapter, and Sinclair politics, to the exclusion of virtually everything else' (ibid.).

51 *DN* 20, no. 828.

52 Ibid.

erroneous identification suggests some degree of conflation between the Norwegian and Scottish ecclesiastic spheres.⁵³

4.4 Mediation

Whether or not ambiguity between ecclesiastical compasses blurred the more finite definitions of royal jurisdiction would become apparent during the incumbency of Thomas Tulloch's successor, William Tulloch. A relative of the outgoing bishop and a canon of the diocese, William presented himself before the curia and was provided with the Orkney see in 1461.⁵⁴ Even more than his predecessor, William would be challenged to navigate the fluidity of frontier relations and mediate rapid changes to the political foundations of Norwegian-Scottish relations. Although his provision reveals that his predecessor ceded his office 'of free will and voluntarily' (*sponte et libere*), Crawford speculates that the resignation was compelled by 'extremely difficult circumstances' arising from Scotland's 'hardline attitude over the acquisition of Orkney'.⁵⁵

It appears that King Christian I had few qualms with entrusting the new bishop with some administrative authority in Orkney in the wake of Earl William I's demotion in 1462. In July 1462, Bishop William swore an oath of fealty to King Christian I, Queen Dorothy and their children, pledging to them his 'personal service' (*personale seruicium*) in all expeditions, binding himself

53 The degree to which Bishop Thomas was involved in the Scottish church is potentially misunderstood due to his possible misidentification with Bishop Thomas Tulloch of Ross, a contemporary of the bishop of Orkney. Both were given safe conduct to pass through England (from Rome and then Flanders) on their way back to Scotland in 1441. However, the latter's brief was from February, whereas Bishop Thomas of Orkney's journey was in November, and was clearly meant for a different Tulloch. Bernard Burke mistook the similarities and identified the two bishops as being one and the same, although, apart from their name and their near concurrent trips to Rome, there is nothing to link the two (Bernard Burke, *Genealogical and Heraldic History of the Colonial Gentry*, London 1895, 520). In her doctoral dissertation, Isla Woodman recognized the distinction between the two Tullochs (Isla Woodman, *Education and Episcopacy: The Universities of Scotland in the Fifteenth Century*, PhD dissertation, University of St. Andrews, St Andrews 2011, 92).

54 DN 17, no. 652.

55 Crawford 2003, 154. Bishop William's installation explains that 'the venerable brother, Thomas, former bishop of Orkney, governor and administrator of the Church, at that time of free will and voluntarily ceded authority into our hands' (*venerabilis frater noster Thomas olim Episcopus Orkadensis regimini et administrationi ipsius ecclesie cui tunc preerat in minibus nostris sponte et libere cessit*) (DN 17, no. 625).

'in the same manner as bishops are bound in the rest of the kingdom of Norway'.⁵⁶ Given the apparent correlation between Earl William I's intimacy with the Scottish king and his resultant dereliction of duty to his Norwegian sovereign, it may have seemed important to emphasize the exclusivity of the bishop's allegiance. While he was not categorically barred from rendering counsel to a foreign lord, the bishop swore never to do so in conspiracy against or without the consent of the king, queen and their heirs.⁵⁷

King Christian I appears to have viewed Bishop William as the guardian of Norwegian interests along the frontier. In correspondence with the pope and the Scottish king, Christian I referred to the bishop as 'his *juratus*, that is to say his sworn man in respect to Norway'.⁵⁸ The Norwegian king must have trusted the bishop to provide him with updates on ground-level developments along the frontier and to offer sound advice on what diplomatic manoeuvres the king should take with regard to Scotland. In a letter to Orkney's lawman from July 1466, the king emphasized the need to guard against 'encroachment and opposition' (*Indpass oc Modstand*) from unnamed menaces.⁵⁹

In May 1467, Christian I reported to the Scottish council and King James III that Bishop William had been seized in his church, imprisoned in chains and compelled to render oaths under duress.⁶⁰ According to Christian I, these oaths 'infringed upon the liberty of the Orcadian Church, abolished the oaths of the bishop and his successors, and created prejudices that can scarcely be uttered'.⁶¹ The culprit was the eldest son of Earl William I presumably William

56 DN 5, no. 842: '*obligari volumus quemadmodum ceteri regni Norwegie episcopi obligantur*'.

57 Ibid. The bishop also acknowledges that he was the recipient of 'many benefices' (*multorum beneficiorum*).

58 Although the original correspondences are now lost, they were cited by Huitfeldt (*Historisk Bescriffuelse*, 159): 'With that King Christian issued many letters to the pope, and the king of Scotland, that William, bishop of Orkney, was his *Juratus*, that is, his sworn man representing Norway'. (*Til met da scriffuer Kong Christiern udi mange Breffuer til Paffuen, oc Kongen aff Skotland, at Wilhelmus, Episcopus Orchadensis, er hans Juratus, et er, hans sorne Mand paa Norges vegne*).

59 HB, 158. Sensitive information was reaching a level of espionage by July, 1466, when King Christian I wrote to his other loyal agent along the frontier, the lawman, bidding him 'immediately, on receipt of this, our letter, to come to us, for we have to speak with you about something that should be discussed by word of mouth rather than in writing' (*strax anseendis dette vort Breff, begiffuer eder til oss, thi wi haffue at tale met eder, som mundtlig bedre kand udrettis, end ved Scriffo uelfe*) (ibid.).

60 SRD, 440: '*qvibus Orchadensis Ecclesie liberta infringitur, tolluntur iura Episcopi & successorum eius, vix dicibilia gignuntur preiudicia*'. Cf. HB, 162; Crawford 1971, 318.

61 SRD, 440. It should be noted that Bishop William was released from captivity soon after Christian I's appeals to the Scottish council and king, for William was witnessed

the Waster, who was described in 1482 as having been ‘mentally incompetent and stupid’ (*incompus mentis et fatuus*) for over sixteen years.⁶² Perhaps unsurprisingly, a claimed descendent of the Sinclair house, Roland Saint-Clair, absolved the estranged earl of any wrongdoing in the matter, claiming that the earl had developed a ‘deep dislike to his son’ due to the attack, which, Saint-Clair posited, was the main cause for the loss of the isles.⁶³ Arild Huitfeldt, by contrast, alludes to the earl’s involvement, claiming that Christian I had complained to the pope that the bishop had been captured by the earl of Orkney.⁶⁴ Given the surrounding diplomatic circumstances, historians have tended to agree with the latter view, portraying the arrest as a premeditated effort on the part of the young Sinclair to remove local opposition to Scottish control.⁶⁵ Christian I, however, did not place any blame directly with the king of Scots, whom he ‘asked amicably, in a will to defend and protect, to not permit the earl or his supporters to inflict injury, and to prevent detriments that have been allowed to break out between [our] realms.’⁶⁶

Regardless of the rationale behind the capture, it preceded a major change in Bishop William’s role in Norwegian-Scottish relations. In 1468, he was chosen by James III as one of several delegates representing Scotland in negotiations with Christian I in Copenhagen, a choice that Crawford regards as an

conducting affairs of the bishopric in Tingwall, Shetland, on 3 June, 1467 (*DN* 2, no. 865). See Crawford 1971, 325, note 1.

62 Barbara E. Crawford, “William Sinclair. Earl of Orkney, and His Family: A Study of the Politics of Survival”, in Keith J. Stringer (ed.), *Essays on the Nobility of Medieval Scotland*, Edinburgh 1985, 245. William I is said to have been disinherited by his father, as we find the earldom of Caithness passing to the eldest son from another marriage (Crawford 2013, 363).

63 Saint-Clair 1898, 297.

64 *HB*, 192.

65 Crawford, for example, argues that because it had a deliberate purpose and appears to have been a repeat of the earlier incident involving the Icelandic governor, young Sinclair’s arrest of the bishop must have been a rational act carried out ‘in accordance with his father’s wishes’ (Crawford 1971, 318). This view is decidedly nuanced in her more recent work, however, where Crawford notes that ‘we are left wondering if this incident was a random attack by the young son of the earl or if his father had any part in the affair’ (*idem* 2013, 363). Thomson suggests that it was an outburst of ‘animosity resulting from the way the bishop had supplanted his father’ (Thomson 2008, 199).

66 *Historiæ Orcadensis*, 187: ‘*amiceque petivit, ut ipsum defendere & protegere vellet, nec permittere, ut Comes suos subditos injuria afficeret, idque ad præcavendum incommode, quæ inter regna ex tali vaua erumpere possint*’.

affront to the latter's honour and sovereignty.⁶⁷ Norman Macdougall proposes that the bishop was 'possibly shaken by the assault on his person at the heart of his diocese' and 'saw where his future lay and became a wholly committed supporter of James III'.⁶⁸ However, even at this most critical of diplomatic moments, upon the eve of Orkney's transfer under the authority of a new lord, the bishop's loyalties were not necessarily forced into opposing corners. As has been reiterated at various points in this study, Norway's monarchs gave both secular and ecclesiastic leaders along the frontier leave to perform services for monarchs in Scotland as long as their activities did not infringe upon their oaths to the Norwegian crown. Christian I's dismissal of Earl William I in or around 1461, for example, was not compelled by the latter's close associations with Kings James II or James III, nor did his service to the Scottish crown give the Scandinavian monarch cause for reproof of the earl's commitment. Rather, it was his failure to heed Christian I's demands for an audience at the royal court – a practical result of his preoccupations in Scotland – that demonstrated William I's dereliction as a Norwegian vassal and ultimately compelled his discharge.

A similar situation might have emerged had Bishop William freely and voluntarily contradicted his pledges as Christian I's vassal in 1467. Yet, as the Norwegian king's reports to the Scottish council and king demonstrate, he did not regard the bishop's actions, which may have been treasonous if taken at face value, as legitimate given the duress under which the bishop was compelled to renege on his oaths and render his new ones.⁶⁹ Given that the oaths of 1467 were null and void from a legalistic standpoint, they had no bearing on the bishop's service to the Scottish king the following year. In accordance with his oath from 1462, the bishop was only barred from rendering counsel to foreigners if done so without the royal family's 'consent' (*consensus*) or in

67 Crawford 1971, 328; idem 2013, 365. King James III issued two charters of commission to his delegates, both of which are included in the marriage contract, which refers to him as one of the 'envoys and excellent ambassadors of Prince James, by the grace of God illustrious king of Scots' (*nuncii et ambaxiatores excellentissimi principis Jacobi dei gracia Scotorum regis illustrissimi*) (DCP, no. 144).

68 Norman Macdougall, *James III*, Edinburgh 2009, 79. In her doctoral dissertation, Crawford posited that the bishop was compelled into the Scottish king's service. Noting that he has occupied no official post in the kingdom of Scotland, she argues that 'his appearance therefore arouses the suspicion that it was enforced' (Crawford 1971, 328). Huitfeldt said that 'since he emerged from prison, the king of Scotland used him as an envoy in the marriage's negotiation here in Denmark' (*siden hand kom det Fengsel quit brugte hannem kongen aff Skotland for en Gesant udi den Gifftermaals Handel her i Danmarck*) (HB, 192).

69 SRD, 440.

'conspiracy against them' (*conspiracio contra ipsos*), allowing for foreign service if deemed acceptable by the king, his queen and their heirs. It is essential to recognize that in the context of the marriage negotiations, and the proposed transfer of the isles, Christian I and James III declared themselves as partners in peace, determined to put an end to the hostilities that had troubled their respective subjects. Even at the height of hostilities and tensions in 1467, the Norwegian crown never explicitly proscribed its subjects from associating, or even allying, with the Scottish crown. Given that Bishop William's diplomatic service was geared toward the placating of hostilities and the strengthening of the Norwegian-Scottish alliance, Christian I did not deem it, as Crawford described it, 'inappropriate', but rather looked upon him as a legitimate emissary for peace.⁷⁰ His linguistic abilities, which must have included fluency in Nordic tongues in addition to Scots English and Latin, as well as his familiarity with Christian I and the mores of political culture in Scandinavia, made him an advantageous choice for James III.⁷¹

Given the bishop's amicable aims and skills of mediation, it is unsurprising that Christian I welcomed him in 1468. Soon after his embassy to Copenhagen, Christian I recommended his service to James III and even proposed him as his daughter Margaret's personal tutor as she learned the language of her new Scottish home.⁷² William made an impressive career for himself in Scotland, both in civic government and in ecclesiastical offices. In 1470, he was made keeper of the privy seal, and in 1471 was employed as James III's ambassador to England.⁷³ Toward the end of his career, the bishop was transferred from Orkney to the 'more lucrative' bishopric of Moray, where he held the seat until his death in 1482.⁷⁴ Yet even as he immersed himself in Scottish affairs of church and state, William's experience along the Norwegian-Scottish frontier remained his most important professional qualification. In 1472, he was again commissioned as ambassador to Christian I in Copenhagen, and although the nature of his embassy is unknown, we can imagine that it prompted his impending appointment as James III's tacksman in Orkney and Shetland,

70 Crawford 1971, 328.

71 Ibid., note 3; idem 2013, 365.

72 Crawford 1971, 339; idem 2013, 365. Crawford cites Huitfeldt in this regard, although the latter does not cite a specific source for his claim that 'most likely, he had to be with and in the presence of his [Christian I's] daughter until she had learned the languages' (*mest mueligt vaar, maate vere hos hans Daatter udi Omgengelse, til hun haffde lære Maalet*) (*Historisk Beskriffuelse*, 192).

73 Macdougall 2009, 79.

74 Ibid.

a position for which he was uniquely qualified, given his insights into the dynamics of island life.⁷⁵

4.5 Conclusion

Orkney's late medieval bishops have long suffered condemnation in the historiography of Norwegian-Scottish relations. Driven by personal cupidity and a penchant for Scottish ecclesiastical practices, scholars have often censured those frontier prelates for allegedly facilitating Orkney's detachment from Norway and the Norse world. According to the standard narrative, they walked a fine line between disobedience and treason: the controversies surrounding Bishops William III and William IV in the fifteenth century demonstrated not only their personal voracity for wealth and authority, but also their deep-seated frustrations with the Norwegian crown, which obstinately restricted the autonomy they were accustomed to from their Scottish homeland. By extension, Bishop William Tulloch's role in dismantling the Norwegian-Scottish frontier and ushering the Northern Isles into the Scottish ambit was emblematic of a movement which saw these 'foreign' appointees prioritizing Scottish over Norwegian interests.

However, the available evidence is unconvincing in this regard. As Smith maintains, Munch's portrayal of controversies in the fourteenth century, which he styled as a 'national feud' between Norwegian and Scottish forces, was not only empirically baseless, but is also heavily jaundiced by the categorical national paradigms of his day. Looking further afield, to Iceland, we can appreciate that there was nothing peculiar about the struggles between Orkney's clerical and secular authorities. The early fourteenth century witnessed a series of clashes between Iceland's lay and learned communities, with the latter seeking more land and a greater share of public revenues at the expense of peasants and in opposition to royal policies.⁷⁶ Regarded by Helgi Þorláksson as

75 *Historisk Beskriffuelse*, 192. William received a lease of both lands, holding them for three years after his transference to the see of Moray in 1476 (*REO*, xlvi). The grant pertained to the Scottish crown's recently acquired rights to the earldom lands, which James III acquired from Earl William I the previous year (*ibid.*, xlvi). For William I's renunciation of his rights to the earldom, see Crawford 2013, 367–70.

76 For an overview of these conflicts see e.g. Magnús Stefánsson, "Frá goðakirkju til biskupskirkji í íslenskum búningi eftir Sigurð Línal", in Sigurður Línal (ed.), *Saga Íslands*, vol. 3, Reykjavík 1978, 111–257; Magnús Lyngdal Magnússon, "Kátt er þeim af kistinrétti kærur vilja margar læra", *Gripla* 15, 2005, 43–90; Helgi Þorláksson, "Succumbing Secular Chiefs. On Secular Chiefs in Iceland, their Loss of Ground to the Church, c.1270 to 1355

'symptomatic of the strife between the bishops and seculars in the late Middle Ages', these controversies demonstrated the potential for 'domestic' discord, between Icelandic clerics and Norwegian officials, even without a strong 'foreign' cultural influence.

Even in reviewing the career of Bishop William Tulloch, we struggle to identify Scottish favouritisms or political adultery. Contrary to received wisdom, his service to King James III in 1468 neither contradicted his pledges to the Norwegian crown nor offended the sensibilities of Norway's monarch, Christian I. Rather, his presence at the marriage negotiations in Copenhagen epitomized the bishopric's traditional role in mediating Norwegian-Scottish relations, a role that owed much to the individual prelates' familiarity with the cultural and political landscapes on either side of the frontier. From this perspective, William was not unlike other medieval clerics, whose itinerant careers made them especially suited to negotiating the cultural dynamics of foreign diplomacy. Along frontiers, bishops were often preferred by kings to broker settlements that may have eluded more war-minded secular leaders. This is witnessed in the illustrious diplomatic career of Bishop Richard Foxe, an English prelate whose station along the Anglo-Scottish frontier positioned him as King Henry VII of England's principal agent for peace with his Scottish neighbours in the late fifteenth century.⁷⁷ Although he never rendered the Scottish crown service in the same manner that William Tulloch did in 1468, Foxe's English superior probably never granted him the freedom that William's Scandinavian lord granted him along the Norwegian-Scottish frontier.

and its Impact", in Steinar Imsen (ed.), *'Ecclesia Nidrosiensis' and 'Noregs veldi': The Role of the Church in the Making of Norwegian Domination in the Norse World*, Trondheim 2012, 261–81.

77 Clayton J Drees, *Bishop Richard Fox of Winchester: Architect of the Tudor Age*, Jefferson 2014.

Military and Defence

In the summer of 1262, William I, earl of Ross, commanded a raid on Skye, an island under Norwegian suzerainty that for decades had been in the sights of King Alexander III and his father, Alexander II of Scotland. Magnus Olavsson, king of the Isles and King Hákon IV's principal vassal in the region, reached out to his suzerain in Norway, sending reports that Ross and other Scots had landed in Skye and were burning estates and churches and slaying men and women alike. The envoys carrying the reports elaborated on this, saying that the Scots had also impaled infants, rattling their spears until the skewered bodies slid down to the murderers' hands before casting them lifeless to the side.¹ If these reports of Scottish brutality were not shocking enough, it was the threat of further assaults that finally roused the Norwegian king to action. According to the envoys, 'the king of Scots was determined to subjugate all of the Hebrides, if he lived so long'.² These tidings 'greatly troubled' the king, who after discussing the issue with his friends and councillors, sent word to all corners of Norway, mustering the national levy in preparation for what would be Norway's last great naval campaign in the Middle Ages.

1 HsH 2, 117. Atrocity propaganda such as this was hardly unconventional in medieval society and must be read critically. Writing over a half-century earlier, the English chronicler John of Hexham wrote that Scots '*ripped open pregnant women, tossed children on the points of spears, butchered priests at their altars, and, cutting off the heads from images of crucifixes, placed them on the bodies of the slain, while in exchange, they fixed on the crucifixes the heads of their victims*' (quoted in Matthew Bennet, 'The Impact of 'Foreign' Troops on the Civil Wars of King Stephen's Reign', in Diana E.S. Dunn (ed.), *War and Society in Medieval and Early Modern Britain*, Liverpool 2000, 108). We find striking parallels in, for instance, anti-Catholic propaganda of the Glorious Revolution in Britain, where we hear of papists '*deflowering Women [...] thrusting their Speeres through their little Infants before their eyes*' (Jennifer L. Airey, *The Politics of Rape: Sexual Atrocity, Propaganda Wars, and the Restoration Stage*, Newark 2012, 6) and infants being '*tost up and down upon the points of their pikes*' (ibid., 37). Negro soldiers in colonial South Africa allegedly '*marched with spiked infants on their spears instead of colours*' (quoted in Matthew J. Clavin, *Toussaint Louverture and the American Civil War. The Promise and Peril of a Second Haitian Revolution*, Philadelphia 2010, 156). The German invaders of Belgium were accused of mutilating and bayoneting infants during the First World War, although the scale of barbarity and the veracity of such accounts is questionable (Nicoletta F. Gullace, *The Blood of Our Sons. Men, Women and the Renegotiation of British Citizenship during the Great War*, New York 2002, 19).

2 HsH 2, 117: '*Skotakonvngur ætlaði at leggja vndir sig allar Suðreyiar ef honum ynniz lif til*'.

Despite the sensationalism of the reports, not all that transpired in Skye in 1262 was unprecedented. At first glance, the earl of Ross' raid on Skye appears characteristic of the violence that often shaped pre-modern frontiers, including the Norse-Scottish frontier, where regional lords intermittently raided and plundered across vaguely defined and poorly guarded communal boundaries. Even the purported escalation of tension, which drew the attention of the Scottish king and brought on a struggle between national kingdoms, was not itself remarkable in a medieval European context. Intermittent raids along the Anglo-Scottish frontier in the late fourteenth century, for instance, provided an opportunity for the English crown to stimulate 'advances of the state, including attempts to elaborate military institutions and the means of financing them, to increase political control and to inject a fuller and wider sense of national allegiance'.³ Thus, quelling frontier unrest at the grassroots level could be used to justify state military enterprises.

Violence is often regarded as an endemic feature of pre-modern frontiers. Anthony Goodman argues that 'there are some features which medieval frontier societies shared to a greater or lesser degree, notably militarization, together with institutional mechanisms and social values flowing from that militarization'.⁴ The supposedly militant character of frontier societies was not determined solely by the number of castles, garrisons, or hostile engagements, but also by 'the group perception of the strength and continuity of the exterior threat that they were designed to contain'.⁵ Over time, the mere perception of dangers from beyond engendered 'frontier mentalities', which in turn imbued in inhabitants a sense of local patriotism that took priority over loyalties to central political authorities.⁶

3 Anthony Goodman, "Introduction", in Anthony Tuck and Anthony Goodman (eds.), *War and Border Societies in the Middle Ages*, London 1992, 3. On the hostility of the Anglo-Scottish frontier, see also Antony Tuck, *Border Warfare. A History of Conflict on the Anglo-Scottish Border*, London 1979; John Sadler, *Border Fury. England and Scotland at War 1296–1568*, London and New York 2006.

4 Goodman 1992, 1.

5 Ibid.

6 In his study of Christian-Muslim frontiers, Mario Apostolov notes the development of militarized or 'combat mentality, which is rooted in the history of struggle on the frontier' (Mario Apostolov, *The Christian-Muslim Frontier: A Zone of Contact, Conflict or Cooperation*, London 2004, 112). Terry Barry speaks of 'a frontier-like mentality' along the Anglo-Irish frontier that compelled residents to erect tower houses and devise protection strategies against their neighbouring enemies (Terry Barry, "The Last Frontier: Defence and Settlement in Late Medieval Ireland", in Terry Barry, Robin Frame and Katharine Simms (eds.), *Colony and Frontier in Medieval Ireland. Essays Presented to J.F. Lydon*, London 1995, 217).

From the late thirteenth century onward, the Norwegian crown relied on a strategy of sub-delegated military authority, promoting the earldom of Orkney as the principal institution for defence along the frontier. This decentralization of authority presupposed the cultivation of a localized militia and, potentially, a more belligerent and autonomous militarized society. However, this frontier's late medieval militarization was less tangible than in many other frontier regions of Europe. The erection of castles, the quintessential symbols of medieval warfare, could reshape the landscape of a region with modifications altering not only the immediate circumference of its walls, but also the tracks and tenurial organization of the outlying estates. Evidence of this reshaping of the landscape is still plainly visible in the former March of Wales, where Anglo-Norman castles pepper the ranges and valleys of the Welsh border landscape.⁷ Orkney must have looked comparatively civilian in the late Middle Ages. Although Earl Henry I constructed the impressively fortified Kirkwall Castle in the late fourteenth century, that edifice was used as an administrative centre and prison for civilian offenders and not as a fortification in war.⁸

The criteria used by Edward James in defining 'militarized societies' have some resonance in the study of the late medieval earldom of Orkney. Its commanders, the earls, were both military officers and government officials; they embraced a symbolism of warfare and arms; they promoted their heroic virtues; and they invested economically in the development of the frontier defences.⁹ The transmission of those mores to the wider community was less

7 For fortifications in medieval Europe see e.g. Charles Coulson, *Castles in Medieval Society. Fortresses in England, France, and Ireland in the Central Middle Ages*, Oxford 2003. For the militarization of the March of Wales see e.g. Davies 1978; Lieberman 2010.

8 The only surviving reports of the castle being used during the period of Norwegian rule come from the *Complaint*, where David Menzies of Weem's victims were locked there in irons (*DN* 2, no. 691). Its use in armed conflicts is documented in the sixteenth and seventeenth centuries (Anderson 2012, 327 [index]).

9 According to James, a 'militarized society' is 'a society in which there is no clear distinction between soldier and civilian, nor between military officer and government official; where the head of state is also commander-in-chief of the army; where all adult free men have the right to carry weapons; where a certain group or class of people (normally the aristocracy) is expected, by reason of birth, to participate in the army; where the education of the young thus often involves a military element; where the symbolism of warfare and weaponry is prominent in official and private life, and the warlike and heroic virtues are glorified; and where warfare is a predominant government expenditure and/or a major source of economic profit' (Edward James, "The Militarisation of Roman Society, 400–700", in Anne N. Jorgensen and Birthe L. Clausen (eds.), *Military Aspects of Scandinavian Society in a European Perspective AD 1–1300*, Copenhagen 1997, 19).

clear-cut. Although there may have been a precedent of a popular levy which blurred the line between soldier and civilian, popular drafts became increasingly outmoded and replaced by professionalized networks of armed retainers across the Norwegian realm in the late Middle Ages.¹⁰ Fourteenth and fifteenth century sources contain references to various men-in-arms, typically armigers, who appear to have been promoted to a lesser degree of knighthood by way of service to the earl. However, there are numerous indications that those brandishing gilded spurs in Orkney were also central actors in public civic organization.¹¹

An examination of Orkney's military character can provide valuable insights into the social and political landscape of the late medieval frontier. Particularly relevant is the question of motive: what compelled Norway's rulers to promote at times, and to restrain at other times, the military authority of Orkney's earls and administrators? If the pledges of peace made by Norwegian and Scottish rulers in 1266 theoretically precluded the overflow of hostilities across their common jurisdictional border, continued perceptions of threat, both diffuse and acute, must have shaped the strategies of Norway's king and inspired the actions of Orkney's local leaders. However, the frontier's military organization should not be addressed solely within the compass of inter-national or inter-state relations. The ambiguous boundaries between the civic and military dimensions of medieval societies compels us to question the role of earls and other martial leaders in negotiating hostilities emerging from or affecting the domestic civic community.

10 Hugh Marwick advanced the theory that the system for land valuation found in Orkney and other Norse islands around Scotland originally served to estimate military service dues to the Norwegian naval levy (*leidangr*) (Hugh Marwick, "Leidang in the West", *Proceedings of the Orkney Antiquarian Society* 13, 1934/5, 15–30; idem, "Naval Defense in Norse Scotland", *Scottish Historical Review* 28, 1949, 1–11). See also J. Storer Clouston, "The Battle of Tankerness", *Proceedings of the Orkney Antiquarian Society* 6, 1927/8, 21–25. But the correlation between naval levy and land valuation has more recently been rejected (Gareth E. Williams, *Land Assessment and Military Organisation in the Norse Settlements in Scotland, c. 900–1266 A.D.*, PhD dissertation, University of St Andrews, St Andrews 1996, 156–95; idem, "Land Assessment and Silver Economy of Norse Scotland", in Gareth Williams and Paul Bibire (eds.), *Sagas, Saints and Settlements*, Leiden 2003, 66–69; Thomson 2008, 214–15). Although Orkney was not part of the Norwegian levy in the early Middle Ages, earls conscripted forces on a local level (Frans-Arne H. Stylegar, "Central Places' in Viking Age Orkney", *Northern Studies* 38, 2004, 23; Crawford 2013, 150–51). For the later professionalization of military service in the late medieval realm see Opsahl 1991/2.

11 Clouston 1924/25.

5.1 Rules of Engagement

Despite the establishment of peace in 1266, concerns over a renewal of violence motivated King Magnus VI to retain the earldom as an institution for frontier defence. Invasion was one of several threats to the stability of both the frontier and to the strength of Norwegian lordship. Evidence from legislative sources in the late thirteenth and early fourteenth centuries indicates that defence was the earldom of Orkney's primary function and that the Norwegian crown took specific steps to regulate and bolster it. This grew out of the crown's consciousness of foreign threats, be they real or perceived, and its interest in preparing the frontier for the contingency of war.

Earl Magnus III's desertion of King Hákon IV's military campaign in the autumn of 1263 created a power vacuum along the frontier that lasted nearly four years. Deprived of a local marshal capable of defending Norwegian interests, Hákon IV's successor, Magnus VI, initially created an interim government, headed by Ogmund *krøkidans*, a battle-hardened Norwegian baron, to address the immediate threat of Scottish invasion in the wake of Norway's retreat.¹² However, the establishment of peace in 1266 eased the most palpable fears and prompted the establishment of a more stable, durable institution for defending the Norwegian king's interests along the frontier.

Yet the militarization of the frontier after 1266 need not have contradicted the spirit of peace as articulated at Perth. Not only were military and civic features rarely mutually exclusive in medieval Europe, the installation of a martial lord was often as much a means of policing a territory and quelling the threat of rogues and outlaws as it was a strategy for defending against the aggressions of foreign rulers.¹³ Indeed, with Orkney so far removed from the strongholds of mainland Norway and Scotland, there was a need to create a pillar of safety and consistency and instil in its inhabitants and sense of security through a determined enforcement of the law. Restoration and reformation of the earldom was an expedient strategy for creating that pillar.

¹² *MsL*, 156.

¹³ On the confluence of military and civic duties, between war and public order see e.g. Anthony Musson, *Public Order and Law Enforcement. The Local Administration of Criminal Justice, 1294–1350*, Woodbridge 2001; Peter R. Coss, *The Origins of the English Gentry*, Cambridge 2005. On the practical incongruity between chivalric ideals of public order and reality of violent disorder, however, see Richard W. Kaeuper, *Chivalry and Violence in Medieval Europe*, Oxford 2001.

The power vested in Orkney's earls is articulated in several chapters of *Hirðskrá*, the legislative codex outlining the rights and duties of the Norwegian kings' retainers.¹⁴ Compiled at some point during the reign of King Magnus IV, the earliest surviving version contains several paragraphs drawn directly from the settlement made between that king and Orkney's wayward earl, Magnus III, at his meeting at the Norwegian royal court in Bergen in 1267.¹⁵ According to that text, earls accompanied dukes as members of the Norwegian high aristocracy, an elite position which set them apart from the main body of royal retainers.¹⁶ Although the honours affixed to the title of earl could not match that of duke, which was reserved to the male offspring of a Norwegian monarch, their practical allowances and obligations were very much the same. Holders of both offices enjoyed a high degree of freedom in organizing their military apparatuses. According to the general rules for earls, an earl could recruit his own retainers, who should in turn serve the earl as his vassals in the same way as earls were to serve their king.¹⁷ Although it is stipulated that the king and 'wise' men could potentially cap the size of the earl's retinue if they deemed it necessary, earls are notably exempt from adhering to a standardized number, suggesting that they could recruit as many men as they pleased so long as the earl's retinue did not threaten the authority of the king. The theoretically unlimited size of the earl's forces set them apart from their mainland Norwegian counterparts in degree more than in kind.¹⁸ Military organization in the late medieval realm of Norway was characterized by the expansion of sub-vassalage, a practice of sub-delegated military authority in which magnates erected

14 *Hsk*, 78–86.

15 *Ibid.*, 80.

16 Grohse 2014d, 164. *Hirðskrá* stipulates that those holding 'the highest honour and rank within the hirð' shall be bestowed 'with the title of baron' (*oc virdingar nafnbota þæira sem hæstar ero innan hirðar með lænz manz nafne*) (*Hsk*, 86). Barons were ranked below earls, and although the latter were regarded as 'vassals' (*handgenginna manna*) of the king, they are never referred to as 'hirðmen'.

17 This is implied through the use of the term '*handgengna menn*' to describe both the men in the king's service, including the earl, and the men serving the earl (*ibid.*, 84) See Grohse 2014d, 168.

18 This contrasts the stipulations for retainers in the service of barons, who are said to 'also have the authority to take men of loyal service and support of the king, also with the title of housecarl, but no more than forty, unless the king gives permission otherwise' (*Lendir men skulu oc hava valð at taka a ser men til tra|usts. oc kononge sinum til styrks með hus|karls nafne. fíoratigi nema konongs se læyvi til*) (*Hsk*, 88). See Grohse 2014d, 168.

semi-independent forces comprised of tenants and other servants bound to them in armed service.¹⁹

The growth of sub-vassalage in Norway coincided roughly with the gradual disintegration of the royal *hirð* as a formal military and administrative corporation in the first half of the fourteenth century.²⁰ Less encumbered by the specific conditions and the limitations of military office, it became increasingly common for Norway's aristocrats to recruit their own retainers under an oath of fealty, thereby creating independent militias under their command. This strengthened their military, social and political standing and provided them with new means of exerting a greater degree of practical autonomy. Norway's monarchs initially resisted this trend, recognizing that by creating independent militias, aristocrats would be able to exert a higher degree of practical autonomy from the crown. King Magnus VII sought first to curtail the practice by reiterating older legal prohibitions on the recruitment of housecarls and other sworn men and later, upon accepting that the trend could not be fully reversed, by demanding that retainers only be employed within the traditional framework of the royal *hirð*.²¹ The trend was fully entrenched by the late fourteenth century, however, and it is apparent from that point onward

19 See Opsahl 1991/2; Benedictow 1972.

20 Older research has tended to view the dissolution of the royal *hirð* as a consequence of the Norwegian royal house's personal unions with members of those from Sweden and, later, Denmark. Benedictow and Opsahl, however, propose that the *hirð* had already lost its character as a military company by the time Norway entered into a political union with Sweden under King Magnus VII in 1319, and argue that the dissolution had more to do with the gradual transformation of Norway's secular aristocracy through the adoption of feudal paradigms. Benedictow views it as an early development, having already occurred during King Hákon V's time (*ibid.*), while Opsahl views it as a more protracted process whereby the concept, although not the organization, remained relevant until the later fourteenth century (Opsahl 1991/2, 194–97; Moseng et al. 1999, 179–90).

21 In 1334, King Magnus VII complained that many men had 'taken servants and had them pledge fealty and swear an oath to them' (*taka ser sveina oc lata lofva ser tru oc sveiria ser eiðha*), an illegal act that he alleged led to 'disturbance and disgrace' (*ufriðar oc unada*) (*NgL* 1.3, no. 71). He added that 'no man could have housecarls or sworn-men apart from barons and leading men, and each no more than the *Hirðkrá* stipulated'. (*enghum manne husskalla eða euðzvara at hafva utan lenðom mannum oc hoofðinghium oc þoo ei fleirum hveirium þeirra en hirðzskra vattar*) (*ibid.*). The 'leading men' in that context must have referred to higher-ranking royal liegemen, the earls and dukes. But in 1347, the king exempted those 'vassals and their housecarls who travelled with the king' (*handgengir men oc husskarlar thera sem fara med konge*) from participating in the popular levy in Northern Norway (*NgL* 1.3, no. 81). Opsahl argues that the document indicates King Magnus VII's acceptance of sworn retainers, although he continued to limit their numbers (Opsahl 1991/2, 84–85).

that kings depended on their leading vassals to muster their own forces in the service of the crown.²²

Despite maintaining a degree of autonomy, the earl should remain subordinate to the king who might call upon the earl and his retainers to serve in both defensive and offensive campaigns. Both scenarios echo the traumas of 1263, when the earl failed to participate in the 'defence' of the Western Isles in the face of Scottish invasion, just as much as he failed to take part in the 'offensive' raids along Scotland's coasts in the weeks leading up to the Battle of Largs. In an effort to bind the earl more closely to the crown's main body of military men, *Hirðskrá* specifies:

If it should happen that war breaks out in this country, then the earl and all of his men are obligated to the king in all emergencies. The earl might also have to contend with a legitimate state of emergency, and the king shall then provide him with as much support as good men consider reasonable. And whenever the king and the earl and their men are together in time of war, they shall interact with one another as if they were all of one-company.²³

Although the two constituencies were to work collectively in times of war, there was a clear recognition that the two parts were distinct and recruited independently from one another. The sentiments of cooperation and reciprocity are emphasized again when it is explained that 'the earl's men shall share guard duty and other scouting activities together with the king's men in proportion to their (combined) numbers, and as well as in all cases in which the earl is with the king and lots are cast and something is divided up according to the correct count of men'.²⁴

22 In 1380, King Hákon VI mobilized both the popular levy and the king's 'servants, vassals and lord's retainers' (*þænarom ok handgengna monnom ok herra sveinom*) (DN 2, no. 461). In 1393, King Eric III called upon 'all vassals and all petty liegemen' (*handgangnom monnum ollum ok ollum herra swæinum*) (DN 2, no. 535). Opshal views this as a controlled transformation of the military elite of the realm, calling it Norway's 'elite army in a new guise' (Opshal 1991/2: 208).

23 Hsk, 85.: 'Nu ef sua ber við at ufriðr er.i. lande þa skal jarl vera skyllðugr kononge.i. ollum nauðsynum oc aller hans menn. Kann oc jarls logleg nauðsyn til at bera. þa skal konongr fa hanum sua mykinn styrk sem goðer men sia at bazt ber. En huævitna þar sem þæir ero.i. ufriði saman konongr oc jarl oc þæira men. Þa skal[l sua vera huær til annar sem þæir se aller or æinu logunøyti'.

24 Ibid.: 'Uarðhollð oc allar niosner aðrar. skulu iarls men jamt halda við konongs men. ef jarl er með kononge at manmærgð oc sua.i. ollu lutfalle oc lutskipti eftir retto mentale'.

This basic model proliferated throughout the fourteenth and fifteenth centuries, but details changed in relation to shifts in the political structure of the Norwegian realm as well as specific exigencies along the Norwegian-Scottish frontier. Earls of the later-fourteenth century were no longer obliged to abide by specific regulations outlined in the *Hirðskrá*, even if they carried over many fundamental principles. Gradually dissolved as a formal corpus of royal executors in the mid-fourteenth century, the *hirð* no longer provided the framework within which kings negotiated their relations to various segments of the executive elite.²⁵ Rather than commanding a wide network of vassals in concert, kings relied more exclusively on bilateral agreements with individual vassals, who served as fief-holders, 'leasing' their lands and paying an annual subscription to the crown in exchange for the control of revenues.²⁶

In order to examine the normative model for rule within the earldom in from the late fourteenth century onward, we must turn to two surviving charters granted to Orkney's earls: that issued upon the succession of Earl Henry I in Marstrand on 2 August, 1379, and that compiled upon the succession of his

25 Wærdahl views this as a consequence of Norway's personal union with Sweden and the adaptation to the mores of governance in Scandinavia (Wærdahl 2011, 221). However, the terms associated with the old Norwegian *hirð* continued to be applied in correspondence with the tributary countries (ibid., note. 67). In the early and mid-fourteenth century, the Norwegian crown still referred to the 'assembly of the *hirð*' (*hirðstiori*) (*Diplomatarium Islandicum* (*Íslenzkt fornbréfasafn*), 17 vols. [DI], 2, ed. Jón Sigurðsson et al., Copenhagen and Reykjavik 1857–1972, 488) and the obligations of 'vassals' (*handgengnum monnum*) in Iceland (DI 3, no. 34). Imsen contends that the *hirð* was equally durable in Orkney, maintaining that 'the *hirð*man institution' (*hirdmannsinstitusjonen*) was still intact in the fifteenth century (Imsen 1990, 117). He cites a letter issued for James of Cragy attesting to his service to the king, community and bishop from 1422, where he is referred to as the 'legitimate man of our lord, king of Norway, and by the same lord, our king's personal liegeman' (*vir legitimus domini nostri regis Norvegie ab eodem domino nostro rege personaliter manucaptus*) (DN 20, no. 754). While there is no doubting the continued relevance of personal service to the crown, the wider dissolution of the *hirð* by that time meant that Cragy's service was regulated more through a one-to-one contract with the king, rather than by the general rules dictating the wider body of royal vassals and retainers.

26 Wærdahl surveys the development of fief-holding in the tributary countries and suggests that it was an outgrowth of a more fundamental restructuring of governance initiated in mainland Norway (Wærdahl 2011, 253–59). Cf. Imsen 2002, 71–72. Wærdahl thus provides a more global view than that previously suggested by Icelandic historians, that the adoption of fief-holding was primarily King Magnus VII's reaction to the crown's economic desperation in the wake of the Black Death (e.g. Axel Kristinsson, "Embættismenn konungs fyrir 1400", *Saga* 30, 1998, 140).

grandson, William I, in Copenhagen on 9 August, 1434.²⁷ Although the latter carries over most of the terms from the former, many verbatim, it also includes a few crucial amendments which require attention. Turning first to the installation charter for Earl Henry I, the text reveals the continued importance of ceremonial investiture, describing how the earl performed his allegiance through a kiss upon the king's mouth and verbal oaths of allegiance before an assembly of the Norwegian council of the Realm.²⁸ Like the chapters of *Hirðskrá*, Henry I's charter is nearly devoid of any discussion concerning civic administration or the prosecution of justice, with only one vague reference to the earl's obligation to hold 'the islands of Orkney and their inhabitants, both cleric and lay, poor and rich, according to their rights'.²⁹ As in *Hirðskrá*, Henry I's charter places military rather than civilian features at the forefront of discussion. The earl is charged with mustering a hundred or more good men in arms and, if called upon for defence or invasion, to deploy them in the service of the king for up to three months.³⁰ The most remarkable paragraph of the charter pertains to the immediate defence of the frontier lands:

Further, if any persons design to attack or hostilely invade the lands and islands of Orkney, or even the land of Shetland, in any way, we pledge and oblige ourselves forthwith to defend the said lands with the men which we shall be able to gather for this purpose, in good condition, not only from the said lands and island but also with the whole strength of our kin, friends and servants.³¹

27 DN 2, no. 459; *NgL* 2.1, no. 74.

28 DN 2, no. 459.

29 Ibid.: '*terras et insulas Orchadie et omnes habitantes in eis clericos et laicos paupers et diuites in ipsorum iure fouere debemus et tenere*'.

30 Ibid. The number of men stipulated here – one hundred – is interesting insofar as the archbishop of Nidaros was granted dispensation to reserve up to one hundred armed men from military service as part of the so-called *Sættargjerden* accord from 1277 (*NgL* 1.2, 462–67). See Jens A. Seip, *Sættargjerden i Tunsberg og kirkens jurisdiksjon*, Oslo 1942; Elbjørg Haug, 'Konkordat-konflikt-privilegium: Sættegjerden som indikator på forholdet stat-kirke fra Magnus Lagabøter til Christian I (1273–1458)', in Steinar Imsen (ed.), *Ecclesia Nidrosiensis 1153–1537. Sokelys på Nidaroskirkens og Nidarosprovinsens historie*, Trondheim 2003, 83–120. The archbishop's dispensation was a cap, i.e. a maximum, however, while the earl's was a minimum.

31 DN 2, no. 459: '*Insuper si aliqui velint ipsas terras et insulas Orchadie aut eciam terram Hietlandie inpu gnare uel hostiliter inuadere quoquomodo. extunc promittimus et obligamus nos ad defendendum terras huiusmodi cum hominibus quos non solum de ipsis terris et insulis ymo eciam cum omni robore propinquorum amicorum et seruitorum quos ad hoc bono modo poterimus congregare, jtem si oportebit ipsum dominum nostrum regem aliquas*

This clause is noteworthy in two respects. For the first time since its subtraction from the earldom in the 1195, we find an earl of Orkney receiving a formal mandate to involve himself in Shetland affairs.³² Although the stipulation did not pertain to the civic administration of that country, or the collection of benefices thereof, it theoretically relayed extensive authority to the earl in the contingency of war. Hákon VI's incentives for such a grant must have outweighed his reservations about the earl's augmented power in the region. By delegating duties to a militarily potent regional lord, the king could forego the creation of a separate defence apparatus in Shetland, which was geographically closer to, and perhaps more easily defended from, Orkney than Norway. By that same token, the king demonstrated an apparent disregard for what modern historians often perceive to be the earl's ominously Scottish leanings by placing greater power in the hands of the Scottish-born earl.

It also reveals the king's strategy for activating, rather than discouraging, the earl's cross-border alliances. Recognizing Henry I's high standing and close associations with Scotland's aristocracy, Hákon VI not only urged, but obligated, his earl to recruit from his extensive network of Scottish associates in the defence of the crown's dominions along the frontier. National affiliations were immaterial, for the king placed no limits on the ethnic, social or geographic origins of the earl's retainers. This raises the question of whether those retainers were regarded as the king's subjects by extension. They were elementarily obligated to the earl, who was in turn beholden to the king, a delegation of commitments that was typical for sub-vassalage arrangements appearing across the realm in the wake of the *hirð*'s dissolution in the mid-fourteenth century.³³ That should not imply a total breakdown of the king's authority,

terras uel regna aliquo jure uel vlla aggredi ratione uel necessitate extunc sibi in auxilium et seruicium erimus cum toto posse nostro'. Cf. REO, no. 11.

- 32 Crawford duly notes that the military obligation did not mean that Shetland was reintegrated into the Orkney earldom, although it has been misread as such in older scholarship (Crawford 1967/8, 157; idem 2013, 336).
- 33 Sub-vassalage, also known as 'bastard feudalism', refers to the authorized or unauthorized dissemination of lordship and obligation whereby the retainers recruited in the service of magnates were devoted directly to that magnate, rather than the king. See e.g. William Stubbs, *The Constitutional History of England*, vol. 3, Oxford 1875; Michael Hicks, *Bastard Feudalism*, London 1995; Kenneth B. McFarlane, "Bastard Feudalism", in Gerald L. Harriss (ed.), *England in the Fifteenth Century. Collected Essays of K.B. McFarlane*, London 1981, 23–43; Norman B. Lewis, "The Organisation of Indentured Retinues in Fourteenth-Century England", *Transactions of the Royal Historical Society* 4, 1945, 29–39; John G. Bellamy, *Bastard Feudalism and the Law*, London 1989; Peter R. Coss, "Bastard Feudalism Revised", *Past & Present* 125, 1989, 27–64. Norwegian historians have debated the development of

however. Although sub-vassalage contract systems could give rise to practically autonomous spheres of authority within medieval societies, Norway's kings frequently reiterated their supreme authority over the aristocracy and their affinities by invoking their right to mobilize all forces in times of war.³⁴ As we will see in Chapters 6 and 7, the permanent resettlement of foreigners in the isles, be they independent landowners or personal retainers and tenants, also presumed the adoption of fundamental loyalties to the Norwegian crown and its laws, for recognition thereof was regarded as a prerequisite for participation in public life. If only temporarily sojourning in Norwegian jurisdiction, the men were no doubt held accountable to local law and, in serving the earl, bound to govern local inhabitants according to their rights.

If this passage reveals the crown's liberal devolution of authority to the earls, subsequent paragraphs show it to have been far from unbridled. Despite pledging to defend the isles, the earl was expressly forbidden from constructing 'castles or other fortifications' (*castra nec vllas municiones*) along the frontier without the express consent of the king.³⁵ Fortifications did not figure prominently in the crown's strategies for defence of the realm, and only a handful of royal citadels or 'houses' (*hus*) and provincial fortifications were erected or upheld in mainland Norway in the later Middle Ages.³⁶ Such apparent disinclination toward castle-building was quite exceptional in late medieval Europe where

sub-feudal contract systems in late medieval Norway in Johan Schreiner, "Hærmakt og riksstyre", *Historisk Tidsskrift* 36, 1952–53, 99–139; Benedictow 1972: 233–37; idem, *Fra rike til provins*, 252; Steinar Imsen and Jørn Sandnes, *Norges historie*, vol. 4, *Avfolkning of union*, Oslo 1977, 53–55; Opsahl 1991/2.

- 34 King Hákon v's abolition of the titles of earl and baron (apart from the sons of kings and the earls of Orkney) in 1308 (*DN* 11, no. 6) was a first step in this process. This was pursued further by King Hákon vi who simultaneously mobilized both the popular levy and his vassals' retainers in 1380 (*DN* 2, no. 461), and again by King Eric III, who did much the same in 1393 (*ibid.*, no. 535).
- 35 *DN* 2, no. 459. Cubbie Roo Castle on the island of Wyre, the most famous fortification in Orkney prior to this time, was an important feature of the political and military infrastructure of Orkney in the twelfth and early thirteenth centuries, yet was neither commissioned nor held by the earls, nor was it in use in the later Middle Ages (Crawford 2013, 193–95). There were considerably more castles across the Pentland Firth in Caithness, indicating 'the warlike nature of society on the south side of the Pentland Firth' in the central Middle Ages (*ibid.*, 196).
- 36 The main royal citadels were Akershus, Bergenhus, Båhus, Tønsberghus, and Vardøhus. Of those, only the two along Norway's eastern, inner Scandinavian frontier, Akershus and Båhus, were developed as true militarized fortifications. These houses served periodically as royal residences and civic-administrative centres and are regarded by Norwegian historians as symbols of the central government's power. There were also small 'provincial'

monarchs, magnates and armigers often built bulwarks as both symbolic and practical demonstrations of power.³⁷ Although topographic, economic and political factors influenced the limited scale of castle construction in Norway, historians have accounted for that phenomenon by comparing the 'tension and unsettlement' that gave rise to castles in other European kingdoms with the relative political stability of high- and late-medieval Norway.³⁸ Castle constructions that did take place in Norway were typically commissioned or endorsed by the crown, which then granted officials provisional rights to keep the edifices and their surrounding fiefs on the condition that the appointed castellan submit regular audits to the king.³⁹ This situation contrasted to that of many other European kingdoms, where magnates often demonstrated a degree of semi-autonomy through the building of castellated residences often without direct mandate from the king.⁴⁰ Traditionally reluctant to acquiesce that kind of autonomous authority to barons, the Norwegian crown not only

fortifications in, for example, Mjøsa, Eidsberg and Båhuslen. See e.g. Moseng et al. 1999, 176–78.

- 37 Castles served as tangible expressions of authority in medieval society, and were both then and now some of the most familiar visualizations of medieval European culture. See e.g. Coulson 2004. The comparable scarcity of castles in Norway inspired the poet Bjørnstjerne Bjørnson to claim pithily that Norway was a land of 'cabins and houses and nary a castle' (*hytter of hus og ingen borge*) (Bjørnstjerne Bjørnson, *Norge, Norge!*, 1890; cf. Moseng et al. 1999, 176).
- 38 Ibid., 177.
- 39 Such was also the case for smaller 'provincial' castles Steinsholmen (Mjøsa), Valdisholmen (Eidsberg) and Dyngehus (Båhus), which were used to control sea and land communication in the region and were well-suited as residences for the king's sheriffs and other officials (ibid., 177).
- 40 Such was the case in the kingdoms of Sweden and Denmark, where aristocrats, both lay and clerical, constructed castles, at times on their own account and at others using the resources available from a royal grant. See e.g. Knut Drake, "Ett spel med borgar", in *Margrete 1: Nordens frue og husband. Kalmarunionen 600 år*, Copenhagen 1996, 182–91. The Swedish magnate Bo Jonsson (Grip), Lord High Stewart of Sweden in the 1370s and 1380s, was perhaps the most prolific castle lord in medieval Scandinavian history, controlling multiple castles, including, among others, those of Åbo, Häme and Viborg in present day Finland, and Kalmar, Nyköping, Bjärka-Säby and Gripsholm in Sweden. He was also a staunch opponent of King Magnús VII, leading the charge to dispose him for the more pliable Albrecht of Mecklenburg in 1365. He owned or held roughly half the kingdom of Sweden and, in his testament from 1384, attempted to prevent Albrecht from repossessing his castles and fiefdoms as per Swedish law (Holger Rosman, *Bjärka-Säby och dess ägare*, Uppsala 1923; Sten Engström, *Bo Jonsson till 1375*, PhD dissertation, Uppsala universitet, Uppsala 1935).

discouraged the new construction of 'private' castles, it also rigorously prevented the few communal ones from being affixed to a single office or family.⁴¹

Scanning the terms of Henry I's charter, it is tempting to imagine the Norwegian-Scottish frontier as a hostile environment filled with foreign threats and pressing demands for large-scale militarization. However, the basic tenets generally echo those articulated in the thirteenth-century *Hirðskrá*, and we should not assume the militancy of the 1379 charter to reflect contemporary antagonisms directly. Compared to the specificity with which the charter identifies domestic political rivals and foreign political allies, allusions to foreign military threats are ambiguous, suggesting that there were few concrete dangers at the time. The installation of a militarily potent vassal, it seems, served to promote peace. Postures of strength were essential ingredients of political legitimacy in medieval Europe, particularly for vassals serving their lords in foreign arenas. As the most familiar symbol of Norwegian authority in Scottish circles, the earl of Orkney's strength should be preserved even if the military expansionism of his forbears had long been tempered. In bestowing on the earl such authority, the Norwegian crown ascribed to contemporary cultural mores. In particular, it promoted the idea, as related in the late Roman military historian Vegetius' most famous of aphorisms, of *si vis pacem para bellum*, that peace is of power begotten.⁴²

5.2 Policing the Frontier

Less apparent than the ideals of military order is the degree to which earls and other governmental agents practically fulfilled their normative obligations to

41 Charles Coulson, however, challenges the notion of castles as 'private', and consequently as threatening to monarchical authority in the case of medieval England and France. Different castles, held and constructed by lords at different tiers of society, could 'strengthen government at all levels and gave some security (accompanied by exploitation) to the labouring poor in town and country' (Coulson 2004, 14). He adds that 'because lords of castles, small, medium, as well as large, were public figures involved in local and even 'national' government, none of them, down to the one-manor 'esquire' with his castellated home or up to the multi-castle magnate, can be regarded as what would be today a 'private citizen' (ibid., 192). But this view applies poorly to the Norwegian case, where very few castles were constructed without royal oversight.

42 Literally, 'if you wish for peace, you must prepare for war', the adage and sentiment were derived from late Roman imperialism, yet broadly applicable in medieval Europe. See e.g., Helen Nicholson, *Medieval Warfare. Theory and Practice of War in Europe, 300–1500*, New York 2004, 13–38.

the crown and community of Orkney. We know nothing about the military activities of Orkney's late-medieval earls prior to the late fourteenth century. This could suggest a degree of peace or, at least, a containment of conflicts, although it was more likely to attest to the general scarcity of source material from the late thirteen and early fourteenth centuries. Orkney's earldom appears to have been in abeyance when the first known episode of frontier violence cropped up in sources in 1312. Although Earl Magnus v was involved in the diplomatic resolution of that strife, which involved Scots, Norwegians and locals in Orkney, he was probably still a minor and not yet in power when the reported acts of violence actually transpired.⁴³ As has been suggested previously in this work, the 1312 attacks did not reflect a major military confrontation along the frontier, but were rather the work of pirates probably seeking to capitalize on the earldom's vacancy, and thus a lack of any significant military force in the region, to prey upon less securely defended targets.⁴⁴

In a broader European context, the armed conflict along the late medieval frontier was relatively small-scale and localized. However, the armed conflicts that did occur – at least those that were recorded – appear to have been consequential for social and political developments along the frontier, where an individual raid, assault or aggression could send shockwaves through the sparsely populated island society. The question is whether, and how, leaders managed to neutralize those conflicts, restore public order and discourage further hostilities. Two periods are particularly interesting for this line of inquiry: First, Earl Henry I's tenure as earl in the late fourteenth century, and second, a period of assaults on the isles by John MacDonald, earl of Ross and lord of the Isles, in or around 1460.

While we know next to nothing about civic administration in the isles during Earl Henry I's reign, several reported episodes of violence give some impression of how well peace was being preserved along the frontier. As noted, King Hákon VI required no less of the earls in subduing domestic rivals than he did in quelling challenges from foreign adversaries. Interestingly, the first two episodes of violence in the isles under Earl Henry I's watch involved internal, rather than external, adversaries. The first was the murder of Bishop

43 Crawford 2013, 315. Crawford proposes that the violence occurred in connection with Magnus' 'accession to his inheritance', adding that 'there must have been some underlying tension that accounted for the apparently unprovoked attack on the royal official' (*ibid.*). However, given the earl's impartial role in the resolution of the conflict, as well as the lack of any reference to his property, it is difficult to accept that the earl or his property were the principal targets.

44 See above, 50; Grohse 2014d, 172.

William IV in 1382 or 1383. As we have seen previously, the bishop's opposition to Hákon VI's governor in the isles, Hákon Jonsson, had marked him as an adversary to royal authority as early as 1369.⁴⁵ The bishop, who had also been singled out as a threat in Alexander de Ard's installation charter from 1375,⁴⁶ was still under suspicion in 1379, when Henry I was forced to pledge that:

we promise that we shall make no league with the bishop of Orkney nor enter into or establish any friendship with him unless with the good pleasure and consent of our said lord the king, but we shall assist him against the said bishop until he shall do what of right or deservedly he ought to do in those things in which our said lord the king desires or may reasonably demand of the said bishop.⁴⁷

The wording may imply that the bishop and earl had been on amiable terms prior to 1379 and that the crown hoped to preclude a stronger coalition between the two leaders. If so, then living up to his obligations would demand the earl's readiness to turn on his former associate and assist the king in subduing the unruly prelate. Against this backdrop, historians have questioned whether the earl was indeed compelled to mollify the bishop with deadly force. A brief entry in the *Icelandic Annals* from the year 1382 and 1383 relates 'mournful tidings that Bishop William was slain in the Orkneys'.⁴⁸

There is, however, no evidence to show how the earl's relationship with the bishop played itself out in practice, nor is there indication that the king issued further directives regarding the matter. Munch acquitted the earl, albeit on dubious assumptions that he shared a sense of 'national' solidarity with the deceased, arguing that 'it is not likely that an earl, who was himself a Scot by birth, should have catered to the interests of the Norwegian-born islanders with such force against both the bishop and his other landsmen'.⁴⁹ Munch's

45 DN 1, no. 404.

46 DN 2, no. 438. Crawford concludes that the warnings of civic unrest in the charter suggest a 'great deal of underlying violence had permeated the islands during the previous decades when there had been no adult earl in control' (Crawford 2013, 327).

47 DN 2, no. 459: '*Item promittimus quod nullam debeamus facere colligacionem cum episcopo Orchadensi nec vllam amicitiam cum ipso statu(e)re uel jnire nisi de ipsius domini nostri regis beneplacito et consensu. sed ipsi auxilio esse debemus contra ipsum episcopum donec sibi fecerit quod juris est vel que merito facere tenebitur super hiis in quibus ipse dominus noster rex velit uel possit ipsum episcopum racionabiliter accusare*'. Cf. REO, no. 11.

48 IA, 282: '*hormulig tidendi gerduzst j Orkneyium at drepinn var Viliálmr byskup*'.

49 Munch 1863, 256: 'Det er lidet sandsynligt, at Jarlen, der selv var skotsk af Fødsel, skulde have omfattet de norskfødte Øboeres Interesser med saadan Heftighed lige overfor Biskopen og sine øvrige Landsmend'.

assumption that Scots could not kill Scots is outlandish, especially given the legacy of domestic unrest that characterized fourteenth-century Scottish history. Equally spurious is the claim that as a Scottish born official, the earl could never have identified with the 'Norwegian-born' inhabitants, even as it pertained to the welfare of the earldom. The murder, he concludes, was inspired by a longstanding 'national conflict between the native islanders of Norwegian descent, and the increasingly intervening Scots' and was carried out by way of 'a great, popular uprising'.⁵⁰

Thomson also exonerates the earl, arguing that 'the fact that we are never told who was to blame suggests that the bishop met his death in an isolated act of violence rather than as the result of his long feud with the Norwegian authorities'.⁵¹ If this is the safest conclusion, Crawford offers two motives which may have compelled animosity between the ecclesiastic and secular leaders. The first motive may have been the restoration of the earldom, for the installation of a secular leader with rights to extensive portions of the royal benefices in the isles may have been viewed as a threat by the bishop, who had previously demonstrated his interest in pocketing island revenues.⁵² The second motive may have been tensions arising from the Papal Schism, a wider division within the Church which could compell rivalries between clerics and others in support of either Rome or Avignon. Crawford concludes that 'at this time of heightened tension in Church affairs a clash may have occurred over the bishop's position which resulted in his death', an outcome which, if not foreseen, then was at least not prevented by the earl.⁵³

A second, far more compelling episode involved the murder of Malise Sperra, Earl Henry I's principal rival, in Shetland in 1391. A cousin and one-time rival for succession to the earldom, Malise's relationship to Henry I appears to have been contentious in the run-up to Henry I's installation as earl in 1379. Although he attended the earl's confirmation ceremony in Marstrand, and even submitted himself as hostage on behalf of his cousin, it is evident that the two men had been embroiled in a conflict to which King Hákon VI aimed to put an end. A clause of the earl's charter explains that Malise 'should cease from

50 Ibid., 256–57: 'denne Strid egentlig har været en Nationalstrid mellem de indfødte Øboere af norsk Herkomst, og de efterhaanden mere og mere indtrængende Skoter' [...] 'et stort Folke-Opløb'.

51 Thomson 2008, 163.

52 Crawford 2013, 341.

53 Ibid., 341–42. Robert Sinclair was named as Avignon's bishop in Orkney soon after the murder of Bishop William IV in 1383, and Crawford suggests that the earl had attempted to usher his kinsman into power in support of the Avignon papacy, although the plan failed as Sinclair never gained control over or revenues from the bishopric (ibid.).

his claim and altogether demit his right, if he is known to have any, to the said lands and islands, so that our lord the king and his heirs and successors shall sustain no vexation or trouble from him or his heirs'.⁵⁴ Despite these assurances, it appears that Henry I struggled to neutralize Malise during the first decade of his tenure.⁵⁵

Recognizing the futility of his claims in Orkney, Malise set his sights on Shetland, a province which was beyond the earl's scope of executive authority, but still within his reach as the crown's military commander in the wider region. In 1386, the royal steward in Bergen condemned Malise for illegally appropriating and installing agents to manage estates in Shetland that were the rightful possessions of two prominent Norwegians, a charge which the lawman of Bergen substantiated.⁵⁶ Munch imagined a connection between Malise's unlawful acquisitions in Shetland and the murder of the bishop three or four years prior, concluding that Malise and the bishop must have cooperated with one another in opposition to the earl.⁵⁷ As in the case of Bishop William, he envisioned nationalist motives despite a striking lack of nationalist motifs in the surviving sources.⁵⁸ While Munch's complex conspiracy theories are scarcely verifiable, it is quite clear that Malise continued to pose challenges for Henry I. In a settlement drawn up in Edinburgh in 1387, Malise absolved all offenses done to him, his men or his possessions by the earl, his men and any others acting in his name, pledging further that he would compensate for all past injuries against the earl committed by himself or his men.⁵⁹ Malise's humiliating submission in Scotland did not, however, hamper

54 *DN* 2, no. 459: '*cessare debet a jure suo et ipsum jus suum omnino dimittere si quod ad ipsas terras et insulas habere dinoscatur, ita quod dominus noster rex heredes sui uel successores nullam ab eo aut ab eius heredibus vexacionem uel molestiam sustinebunt*'.

55 Crawford 2013, 342.

56 *DN* 1, no. 501.

57 Munch 1863, 257.

58 *Ibid.*: 'As such, the parties' position in the isles seem to have been rather thoroughly delineated. On the one side, the bishop and the Scots, together with Malise Sperra and perhaps other Scottish pretenders; on the other, the earl, the native islanders, the supporters of the sons of Hafthorsson and others loyal to the king' (Saaledes synes Partiernes Stilling paa Øerne at være temmelig nøje betegnet. Paa den ene Side Biskopen og Skoterne tilligemed Malise Sperra og maaskee flere skotske Prætendenter, paa den anden Jarlen, de indfødte Øboere, Hafthorssønnernes Tilhængere og de øvrige kongeligt sindede).

59 Hay 1835, 57; Saint-Clair 1898, 511. As Crawford points out, the agreement includes no suggestion of where the violence took place, meaning that it could have occurred outside of the isles, something which may explain the setting of the summit in Lowland Scotland (Crawford 2013, 342).

his advancement in Scandinavia. Two years later, in 1389, Malise was with the earl in Helsingborg to witness Eric III's claim to the Norwegian throne. Named there as 'Sir Malise Sperra, knight' (*herre Malis Sparre riddere*), the criminal-cum-knight had ascended to become a member of the Norwegian council of the Realm, an honour which must have been bestowed upon him by Queen Margaret.⁶⁰ His rising fortunes suggest that he had acquired some kind of authority in Shetland, a turn which Crawford concludes threatened the earl's power in the region, provoking him to confront Malise on his turf in Shetland sometime in or around 1391.⁶¹

In two different series of the *Icelandic Annals*, Henry I is recorded as attacking and killing his cousin. The first suggests that the earl was retaliating for a previous assault by his cousin, recounting: 'Sir Malise Sperra killed in Shetland, and he previously captured the earl in Orkney'.⁶² The second offers a more detailed description of events, recounting: 'Malise Sperra killed in Shetland, and seven men with him by the earl of Orkney, and from that same field of action a servant fled and came to Norway in a six-oared boat and with six men with him'.⁶³ That at least eight men were left dead and another seven were driven off to Norway suggest that the encounter involved dozens of armed combatants.⁶⁴ Such a sizeable skirmish must have been shockingly unconventional along the frontier, which may explain why it received so much "press" by the Icelandic observers.

60 Munch assumed that Malise acquired knighthood in Scotland (Munch 1863, 258), while Crawford argued that he was dubbed by the Scandinavian queen (Crawford 1971, 236–37). Eldbjørg Haug explains that dubbing ceremonies customarily took place in connection to grand events, including royal affirmation and coronations, marriages and upon the eve of war. Based on the setting, she concludes that the cousins were summoned to serve at the Battle of Falköping, and were pre-emptively knighted before the battle (Eldbjørg Haug, *Provincia Nidrosiensis i dronning Margretes unions – og maktpolitikk*, Trondheim 2006, 166).

61 Crawford 2013, 342–43.

62 1A, 264: '*Drap herra Malis serru j Hialltlandi ok hafdi hann adr fangit jallin j Orkneyum*'. Although it does not specifically name the killer(s), it implicates the earl by referring to the earlier arrest.

63 Ibid., 367: '*drepin Malis spera j Hialltlandi og vij menn med honum af jarlinum ur Orkneyum og a þui sama vefffangi flydi einn sveinn hans vadan a vj æringi og koms til Noregs og vj menn med honum*'. Crawford points out that the phase '*vettfandi*' equates to 'place of summons' and should be interpreted as the site of the lawthing at Tingwall. The presumed site of the murder is today marked by a standing stone between Tingwall and Scalloway (Crawford 2013, 343, colour plate no. 37).

64 Grohse 2014d, 171–72.

While the assassinations of a bishop and a knight suggest some degree of political turbulence in the region, it merely reinforces the theory that domestic threats were as concerning as, if not perhaps more disturbing than, foreign menaces. Munch projected nationalist motives upon the adversaries in both cases, and his conclusions are not only rooted in conjecture but also tend to conflate what, in fact, are baseless assumptions of national affiliation. At one point, for instance, he claims that Malise 'appeared in the isles as a Scottish nobleman and as a champion of Scottish interests', adding that he was party to a Scottish coalition in direct opposition to the earl, the native islanders, Norwegian landowners and other supports of the Norwegian crown.⁶⁵ Yet this contradicts his earlier portrayal of Malise's supposed national rival in this case, Henry I, whom he once referred to as 'a Scottish magnate whose interests were directed primarily toward Scotland and its affairs'.⁶⁶ Based on the evidence available, we should rather conclude that the controversies which preceded violence were, if not unknown, rooted in local or regional power struggles, suggesting that the parties' ancestral and personal origins and national affiliations were essentially immaterial.

Henry I may have invoked his duty to defend Shetland when attacking Malise in or around 1391.⁶⁷ However, his history of personal animosity with the deceased suggests, rather, that the earl was flouting one of his installation pledges by aggravating a personal rivalry which threatened the welfare of the king's dominions. While the earl had been given free rein to defend the isles in 1379, he was also compelled to pledge

not [to] further or begin any war, litigation, or dissension with any foreigners or natives, by which occasion of war, litigation, or dissension, our lord the king and his heirs and successors or his kingdom of Norway or the aforementioned lands and islands might receive any damage.⁶⁸

If the earl indeed failed in this respect, it would not be his sole transgression. Despite promising not to construct any fortification without the express

65 Munch 1863, 258: 'optraadte i Øerne som skotsk Adelsmand og som Forfægter af Skoternes Interesser'.

66 Ibid., 102: 'en skotsk Magnat, hvis Interesser fornemmelig drejede sig om Skotland og dets Anliggender'.

67 *DN* 2, no. 459.

68 Ibid.: '*nullam guerram litem aut dissensionem suscitare uel incipere debeamus cum aliquibus extraneis uel indigenis occasione cuius guerre litis uel dissensionis ipse dominus noster rex, heredes sui et successores aut regnum suum Norwegie uel predictae terre et insule vlla recipere possent dampna*'. Cf. *REO*, no. 11.

consent of the king, he initiated the construction of a fortification without royal commission. Sources from the 1420s speak of the ‘castle and fortress’ (*slot oc fæste*) or ‘tower’ (*tornit*), while Earl William I’s installation charter from 1434 refers to ‘the tower which was built in the town of Kirkwall in Orkney without the consent of the king of Norway’.⁶⁹ Although no longer standing, observations from the seventeenth and eighteenth century report it to have been a ‘small strong castle’ with ‘massive walls’ measuring 55ft long and 11ft thick.⁷⁰ Intimidation and defence of the earl’s personal rivals must have inspired the undertaking. The fifteenth-century *Genealogy* underscores the value of that edifice when it recounts that many important records had long ago been lost or destroyed at a time when the country was ravaged by enemies, yet still lacked ‘a secure house or mansion inexpugnable’ where such records might have been safely stored.⁷¹ Both of Earl Henry I’s known domestic rivals posed a security threat for the earl, who may have felt that a stronghold would facilitate his anchorage in the region. Buckham Hossack implies that the castle’s construction was intended to rival the bishop’s palace, a thick-walled edifice that could also function as a garrison.⁷²

5.3 Hebridean Raiding

As we have seen in previous chapters, Orkney (and Shetland) were ‘invaded’ by ‘malefactors’ from Scotland in the early fourteenth century.⁷³ Similar threats must have been present, although not necessarily burning, in the mind of King

69 NgL 2.1, no. 74: ‘illa turris, que constructa fuit in opido de Kirkwaghe Orchadensi sine consensu regis Norwegie’. The assumption that it was built by Earl Henry I, rather than his successors, is based on the fact that it was already in service in the late 1410s or early 1420s, suggesting that it was a project of either the earl or his son, Henry II. The latter is unlikely, as he had tenuous personal ties to the isles and no known incentives for fortifying his position.

70 Alexander Peterkin, *Notes on Orkney and Zetland, Illustrative of the History, Antiquities, Scenery, and Customs of those Islands*, Edinburgh 1822, 47; Hossack 1900, 15–28. For the castle in the sixteenth and seventeenth century see Anderson 2012, 327 [index].

71 DN 20, no. 833: ‘et carencia firmissime domus seu municionis jnexpugnabilis’.

72 Hossack recounts that when King James V of Scotland came to Kirkwall in 1540, he ‘placed garrisons in two castles, the king’s castle and the bishops’ (Hossack 1900, 20).

73 DN 2, no. 114. See above, 49. The following discussion draws on my forthcoming article ‘Late Medieval Vikings – The MacDonald Raids on Orkney ca. 1461’, in Christian Cooijmans (ed.), *Traversing the Inner Seas. Contacts and Continuity in and around Scotland, the Hebrides and the North of Ireland*, Edinburgh (forthcoming 2017).

Hákon VI when he promoted Earl Henry I to guard both Orkney and Shetland against aggression in 1379.⁷⁴ This perceived need for vigilance was finally substantiated around the turn of the fifteenth century when the earl was slain in Orkney in what appears to have been a retaliatory, but misplaced, raid by English fishermen seeking vengeance against 'Scottish' pirates.⁷⁵ But how did the wider community of Orkney perceive the threat and experience the reality of foreign invasion?

There is no indication that Orkney was ever attacked by forces under the auspices of the Scottish crown. Despite lacking royal endorsement, certain groups within Scottish society nevertheless ventured beyond the Pentland Firth to Orkney, using physical force to harass the country and intimidate its population and its leaders into submission. This is witnessed most strikingly in the later fifteenth century when Orkney fell subject to brutal and recurrent attacks originating along Scotland's western seaboard. The most devastating of these assaults occurred in or around 1461, when John MacDonald, earl of Ross and lord of the Isles, commissioned raids on the militarily hapless inhabitants of the Northern Isles.

The assaults are recorded in vivid detail in two letters from the burgesses, baillies and bishop of Orkney. The first, addressed to Christian I, king of Denmark, Sweden and Norway by his officials in Kirkwall on 29 February, 1460(1), reports how MacDonald, the country's 'old enemy' (*antiquo inimicus*)

74 DN 2, no. 459.

75 The *Genealogy* relates that Henry I was 'for the defence of the country slain there cruelly by his enemies' (*pro defensione patrie mihi crudeliter ab inimiciis peremptus est*) (DN 20, no. 833). Historians have posited that the incursion, most likely occurring sometime around 1400, was led by misguided English fishermen seeking retribution for attacks by Scottish pirates (Thomson 2008, 170). This is based on an account from Raphael Holinshed's *Chronicles* which relates that 'at the same time, the Englishmen spoiled also certeine of the Ilse of Orkenie' in retaliation after an attack by Scottish pirates, presumably mistaking Orkney for a Scottish province (*Holinshed's Chronicles of England, Scotland and Ireland*, vol. 3, ed. John Hooker et al., London 1808, 16). Another excerpt from the *Genealogy* recounts how the isles long suffered the 'hostilities and wars of certain rivals and enemies' (*hostilitatis tempore et guerrarum emulorum inimicorumque nonnullorum*) (DN 20, no. 833) and that the 'principal and special house of mansion of the lord earls had often been reduced to nothing as the whole country was laid waste by rivals and enemies' (*quod principalis et precipuus mansus siue manerium dominorum comitum Orchadie fuit diuersis temporibus igne combustus et ad nichilum redactus et funditus destructi, et patria tota depredata et vastata. per emulos nostros et inimicos*) (ibid.). While the adversaries cannot be conclusively identified, the *Genealogy's* description suggests that they included foreigners.

had long striven to destroy the country through arson, plunder and the general destruction of the inhabitants:⁷⁶

the magnificent and potent lord, John, earl of Ross and lord of the Isles, our old great enemy, has striven with all his power, which is not little, to most cruelly destroy us from year to year, burning our buildings, carrying away our goods, and exterminating all of your loyal inhabitants to the utmost.⁷⁷

Their only hope, the writers claimed, was their noble prince, William I Sinclair, earl of Orkney, who took up their ‘deadly conflict’ (*letali conflictu*) against MacDonald.⁷⁸ The second letter, compiled by Thomas Tulloch, bishop of Orkney, elaborates on the former report by the king’s baillies and burgesses.⁷⁹ He describes how MacDonald employed his ‘men from Hebrides, Ireland and the Scottish wildlands’ (*hominibus Sodorensibus Ybernensibus et Scotis siluestribus*) to invade Orkney and visit its inhabitants with ‘all manner of cruelty’ (*omni-moda crudelitate*):⁸⁰

76 DN 5, no. 827. As noted (p. 131, n. 76), the letter is dated ‘ultimo Februarii’ 1460. However, Crawford suggests that they were adhering to the Scottish, rather than Norwegian calendar, concluding that it was issued at the close of February, 1461 (Crawford 1969, 41; James Petre, “Donald Balloch, the ‘Treaty of Ardtornish-Westminster’ and the MacDonald Raids of 1461–3,” *Historical Research* 88, 2015, 614).

77 Ibid.: ‘Magnificus et potens dominus Johannes comes Rossie et dominus Insularum nobis ac terries vestris Orcadie et Zetlandie ab antiquo inimicus capitalis cum omnimoda sua potestate non parua nos et eas de anno in annum et indies seuissime nittitur depopulare edificia comburere bona depredare ac omnes vestros legios inhabitantes usque ad exterminium interemere’. Cf. *REO*, no. 22.

78 DN 5, no. 827.

79 DN 5, no. 836.

80 Ibid. Clouston translates ‘Scotis siluestribus’ as ‘Scottish caterans’ in *REO*, no. 23. ‘Ketherans’, the English form of the Gaelic ‘*ceatharn*’ were those Highland and Island militants ‘involved in raids and the imposition of ‘unjust’ exactions’ (Stephen Boardman, “Highland Scots and Anglo-Scottish Warfare, c. 1300–1513”, in Andy King and David Simpkin (eds), *England and Scotland at War, c.1296–c.1513*, Leiden 2012, 233–234). According to the Lowland chronicler Walter Bower, ‘among the Highland Scots and Wild Scots, there are caterans, which we call ketherans’ (*ac etiam inter Scotos transalpinos et silvestres quos catervanos seo ketheranos vocamus*) (*Scotichronicon*, 48–49). See Martin MacGregor, “Gaelic Barbarity and Scottish Identity in the Later Middle Ages”, in Dauvit Broun and Martin MacGregor (eds), *Mìorun Mòr nan Gall, ‘The Great Ill-Will of the Lowlander’? Lowland Perceptions of the Highlands, Medieval and Modern*, Glasgow 2007, 23.

The magnificent prince, the earl of Ross and lord of the Isles, who with his men from the Hebrides, Ireland and the 'Scottish wildlands', often and repeatedly invaded your lands of Orkney and the inhabitants of your said lands with all manner of cruelty [...] the foresaid 'Wild-Scots', Hebrideans and Irish and others in the aforementioned month of June entered the said earldom of Orkney in great numbers with their fleets and boats in a warlike manner and burned your lands, villages, houses, and buildings to the ground, and most cruelly destroyed by the sword your people of both sexes and of all ages and carried away with them their chattels, animals, furnishings, jewels, money, and everything they could for their own use, leaving little or nothing except the burnt soil of the earth, empty and useless, these being the most fertile and principle of our lands of the earldom of Orkney and the islands relating to it.⁸¹

Both accounts underscore that the attacks were not isolated incidents. MacDonald and his men had striven to destroy the Orcadians, attacking and plundering the beleaguered population from 'year to year and day to day' (*anno in annum et indies*).⁸² Despite describing in detail the MacDonald raids, the letters do not relate when or why the attacks began, alluding only to Earl John's personal depravity. A seventeenth-century MacDonald family history claims that the conflict was instigated by a personal feud between Alexander MacDonald, John's father and predecessor as earl of Ross and lord of the Isles, and William I Sinclair, earl of Orkney and Caithness.⁸³ It recounts how the two men

81 DN 2, no. 836: '*Et magnificum principem comitem Rossie et dominum Insularum, qui cum suis hominibus Sodorensibus Ybernensibus et Scotis siluestribus terris vestris Orkadie inimicis capitalibus omnimoda crudelitate dictas vestras terras et huiusmodi inhabitantes sepius et sepiissime inuaserunt [...] prefati Scoti siluestres Sodorenses Ybernenses et alij memorato mense Junii in copiosa multitudine cum classibus et nauigijs suis in acie belli dictum comitatum Orkadie intrantes vestras terras villas domos et edificia penitus euerterentes combusserunt gentes vestras vtriusque sexus a maiore ad minorem in acie gladij crudelissime interimentes depopularunt catalla animalia vtensilia jocalia nummismata et generaliter omnia bona depredarunt secum ad propria deferentes nichil vel parum reliquerunt nisi solum terre combustum vacuum et inane et hoc in maioribus fertilioribus et principalibus terris vestris tocus comitatus Orkadie et insularum eiusdem*'. Cf. REO, no. 23.

82 DN 5, no. 827.

83 *Hist.* 36–37. For general surveys of the lordship see e.g. John Bannerman, "The Lordship of the Isles", in Jennifer Brown (ed.), *Scottish Society in the 15th Century. The Making of an Identity*, New York 1977, 209–40; Alexander Grant, "Scotland's Celtic Fringe" in the Late Middle Ages: The MacDonald Lords of the Isles and the Kingdom of Scotland", in R. Rees Davies (ed.), *The British Isles 1100–1500. Comparisons, Contrasts and Connections*, Edinburgh 1988, 118–141; Norman Macdougall, "Achilles' Heel? The Earldom of Ross, the

met at James II's court and challenged one another to a gentlemen's wager over who could host the finest breakfast feast the following morning. In spite of his attempt to rig the bet, and much to his chagrin, William was outdone by Alexander's venison spread.⁸⁴ Outraged, William asked Alexander whether he imagined he could equal William in power and authority. Alexander replied that even his son could outmatch William and, to prove the point, would be dispatched to harass the Orkney earl's lands just as soon as they departed the king's court. Agreeing to the challenge, the two went their separate ways, presumably to make arrangements for what would become a bloody inter-familial feud. The account goes on to describe the manner in which Alexander's son, Austin (also known as Hugh MacDonald of Sleat), together with all the 'young heritors of land', steered their galleys toward Orkney, soundly defeating the comparatively weak Orcadian opposition.⁸⁵ Having claimed victory, the war party ravaged Orkney for it was 'the only reward they had for their pains and fatigue'.⁸⁶

This MacDonald account is a captivating, but unfortunately dubious, source. Composed by the family genealogist Hugh MacDonald over a century after the events occurred, it displays features of bias one expects to find in early modern clan histories, including its categorical celebration of clan patrons and degradation of their enemies.⁸⁷ William I is portrayed as a cheat and braggart, and common Orcadians as 'no great warriors, whatever their gentry'.⁸⁸ The most unconvincing aspect is its erroneous assertion that a retainer, Murdo MacCotter, singlehandedly slew the Orkney earl.⁸⁹ In fact, William I lived well

Lordship of the Isles, and the Stewart Kings, 1449–1507", in Edward J Cowan and R. Andrew McDonald (eds), *Alba. Celtic Scotland in the Middle Ages*, East Linton 2000, 248–275; Richard Oram (ed.), *Lordship of the Isles*, Leiden 2014.

84 Lachlane MacLean supposedly prepared MacDonald's winning breakfast (*Hist*, 36), and was later granted the island of Tiree (*ibid.*, 37–37), seemingly in remuneration. For MacLean as 'vassals of the lords of the Isles' see John P. MacLean, *A History of the Clan MacLean. From Its First Settlement at Duard Castle, in the Isles of Mull, to the Present Period*, Cincinnati 1899, 39–55; Macdougall 2000, 258–59.

85 *Hist*, 37.

86 *Ibid.*

87 James Petre points out that MacDonald's account intended to substantiate the claim of his particular branch of the MacDonald line (Glann Ùisdean) as rightful inheritors of the lordship of the Isles and contested estates (Petre 2015, 604). For the source's provenance see Sonja Cameron, "'Contumaciously Absent'? The Lords of the Isles and the Scottish Crown", in Richard Oram (ed.), *Lordship of the Isles*, Leiden 2014, 148.

88 *Hist*, 37.

89 *Ibid.* According to the same account, MacCotter supposedly belonged to William MacLeod of Harris' retinue and later became MacLean's standard-bearer, seemingly in recognition of his service.

into his seventies and, according to the letters from 1461, was not in Orkney at the time of the attacks but at court with young King James III in Scotland.⁹⁰ It is also noteworthy that Alexander MacDonald, and not one of his sons, is portrayed as William I's principal adversary. It is unclear which of MacDonald's sons he intended to pit against William I when he first proposed the feud. Was it his successor to the earldom and lordship, John, or his illegitimate son and the purported leader of the Orkney raid, Hugh MacDonald of Sleat? The letters from 1461 make no mention of Alexander or Hugh, mentioning only John MacDonald and his unnamed warriors.⁹¹

Although they are replete with narrative liberties, couched within the source are select details that will be readdressed below. We can conclude that it is implausible that such extensive and long-term violence arose from a boastful dispute over breakfast-hosting talents. More structural, practical explanations have to be considered. One possibility is that John was reviving unmet political aspirations in the Norse island province. As earl of Ross, John's attacks may have functioned as leverage in his campaign of encroachment in the north, reinvigorating a political campaign first championed by William III in the mid-fourteenth century.⁹² However, without any indication that MacDonald staked a claim to land, title or office in the Norse isles, it seems improbable that the fifteen-century raids sought to revive Ross' fourteenth-century aspirations.

It is plausible that the raids were, as the MacDonald family history purports, by-products of a distinctly inner-Scottish struggle. Personal pride was likely to have been a secondary matter in the MacDonald-Sinclair feud, which almost certainly entailed matters of land, title and influence in Scottish politics. Like his father, Alexander MacDonald, Earl John maintained an uneasy, and at times openly hostile, relationship with the Stewart kingship of Scotland, a stance in opposition to that taken by the Sinclair earls of Orkney.⁹³ While John's alliance

90 The burgesses and baillies report that William I had been in deliberation with King James II (*DN* 5, no. 827), while the bishop reports that the earl was attending to the care of the minor King James III (*ibid.*, 836).

91 *Ibid.*, no. 827.

92 As noted previously, Crawford has proposed that William III of Ross sought a foothold in Caithness and then Orkney through the promotion of his then protégés, the Sinclairs of Roslin, in the mid-fourteenth century, although these plans failed to materialize (Crawford 2013, 319–320).

93 The fifteenth-century lords of the Isles 'to all intents and purposes, [ruled] autonomously over what was arguably the most successful regional lordship to have been created in late medieval Britain and Ireland' (Petre 2015, 601). See also Stephen Boardman, "The Lost World: Post-Medieval Accounts of the Lordship of the Isles", in Sean Duffy and Susan Foran (eds), *The English Isles: Cultural Transmission and Political Conflict in Britain and*

with the earls of Douglas and Crawford in the 1450s positioned him as the most formidable adversary to royal authority in the north of the kingdom, Earl William I proved himself to be a staunch supporter of the Stewart house.⁹⁴ The latter's grant of the earldom of Caithness in 1455 further anchored royal power at the northern fringes of the kingdom.⁹⁵ Hugh MacDonald, John's illegitimate half-brother and the supposed commander of the amphibious raid, had aspirations to land and power in William I's Scottish patrimony and may have been responsible for inciting the MacDonald-Sinclair feud.⁹⁶ Both of the Orkney letters report that William I was using these Scottish lands as his staging point for his struggle against the MacDonalds, with the baillies and burgesses explaining that William I was 'wisely engaged in his earldom of Caithness and elsewhere in putting a stop to malicious and savage attacks of these cruel enemies'.⁹⁷ The letters also make it clear that William I was attending to his duties as guardian of the future James III during his 'tender years' (*teneris annis*) of minority, a post to which John had aspired, but had failed to secure.⁹⁸

From this background, it is not difficult to understand Earl John's incentive for taking action against Orkney. Although William I was not on the isles at the time, John must have envisioned a scenario in which devastation of the Orkney earl's lands to the north, and the resulting petitions for peace by the native inhabitants, would incapacitate the Orkney earl or otherwise compel him to relinquish his aspirations to power in Northern Scotland.⁹⁹ For all its embellishments, the claim made by the MacDonalds' seventeenth-century historian, that the devastation in Orkney could be traced back to the political posturing of rival magnates within Scotland, seems to have some credence.

Despite their immediate strategic value, the MacDonalds' amphibious attacks may also reveal a longer tradition of aggression toward Orkney than has been suggested above. One might, for instance, speculate that the attacks in

Ireland, 1100–1500, Dublin 2013, 152. Cf. Bannerman, who argues that the lords were not geared toward 'establishing a separatist state in the west' (Bannerman 1977, 214–15).

94 For the alliance between Douglas and Crawford, and a review of scholarship thereto, see Petre 2015, 609–12. For William I and Stewart kings see Thomson 2008, Crawford 2013, 356–365; Macdougall 1999, 41–42.

95 Crawford 2013, 358–59.

96 Stephen Boardman, *The Campbells 1250–1513*, Edinburgh 2006, 176, 197 (note 39).

97 *DN* 5, no. 827: '*in comitatu suo Cathtanie et alibi inimicorum crudelium maliciosis et seuis-simis propositis sagaciter obuiando*'.

98 *Ibid.*, no. 836. On Sinclair and James III's minority see Boardman 2006, 174–79; Macdougall 2009, 40–41.

99 Boardman 2006, 176. MacDonald raids also facilitated an alliance with Yorkist England (Petre 2015, 627).

or around 1460 recalled those carried out by Scottish 'malefactors' in Orkney in 1312.¹⁰⁰ Another source suggesting that Hebridean aggression in Orkney predated the MacDonald raids is the *Complaint* concerning the failures and crimes of David Menzies of Weem from the mid-1420s.¹⁰¹ One of the Orcadians' grievances in that text concerned Menzies' indifference to raids by certain 'Wild-Scots' (*Willeschotta*) on the island of Ronaldsay.¹⁰² The men of the island claimed that the 'Wild-Scots came in such numbers to them and did them great injury to their goods, meat, and drink and much other mischief'.¹⁰³ As a proper noun, the term 'Wild-Scots' pertained not simply to unruly interlopers with Scottish origins, but to a specific variety of Scots with reportedly barbaric, uncultured characteristics.¹⁰⁴ The eighteenth-century Dano-Icelandic historian Tormod Torfæus recognized the distinction, referring in Latin to 'those Scots, who are called wild' (*de Scotorum, quos feros appellant*).¹⁰⁵ The Norse term corresponds to the phraseology used by English and Lowland Scots authors to describe the people of the Highlands, Western Isles and Ireland.¹⁰⁶ The thirteenth-century Bartholomeus Anglicus described what he believed to be inherent differences between the 'wild men' (*silvestres*) to the north, the Scots and Irish, and their more civilized counterparts in England.¹⁰⁷ The concept of a natural dichotomy between the cultivated, law-abiding, Germanic-speaking Lowlanders and the barbaric, unruly, Gaelic-speaking people of the Highlands and Scotland's western seaboard islands was elaborated famously by John of

100 *DN* 2, no. 114. We can draw links between the raids in 1312 and the attacks that cost Earl Henry I his life in or around 1400 (*DN* 20, no. 833), although the latter were probably carried out by Englishmen, not Scots.

101 *DN* 2, no. 691.

102 *Ibid.*

103 *Ibid.*: 'the Willeschotta komo swa marghe thil them oc giordo them stoor skada oppa there gotz maat oc dryk oc mykit annat fortreet'. Cf. *REO*, no. 18.

104 Previously, the description was not regarded as a proper noun, but as an adjective for certain Scots from Caithness (Imsen 2012, 20). I argue against this in Grohse 2014d, 174–76.

105 *Historiæ Orcadensis*, 180.

106 Ranald Nicholson, "Domesticated Scots and Wild Scots: The Relationship between Lowlanders and Highlanders in Medieval Scotland", in *Proceedings of the First Colloquium on Scottish Studies*, Guelph 1968, 1–16; MacGregor 2007; Dauvit Broun, "Attitudes of Gall to Gaedhel in Scotland before John of Fordun", in idem and Martin MacGregor (eds), *Miorun Mòr nan Gall, 'The Great Ill-Will of the Lowlander'? Lowland Perceptions of the Highlands, Medieval and Modern*, Glasgow 2007, 49–82; Stephen Boardman, "The Gaelic World in the Early Stewart Court", in Dauvit Broun and Martin MacGregor (eds), *Miorun Mòr nan Gall, 'The Great Ill-Will of the Lowlander'? Lowland Perceptions of the Highlands, Medieval and Modern*, Glasgow 2007, 83–109.

107 MacGregor 2007, 22–23.

Fordun. He described the latter as ‘a wild and untamed race, primitive and independent, given to rapine and the easy life.’¹⁰⁸ By the early fifteenth century, ‘Wild Scot’ had become a common, pejorative handle in Lowland discourse about the Highlanders and Hebrides, as is witnessed in the works of, for example, Walter Bower, John Major and Andrew of Wyntoun.¹⁰⁹ Orkney’s social and linguistic ties to Scotland in the fifteenth century appear to have been forged primarily with the Lowlands, and numerous sources demonstrate the Orcadians’ adoption of the ‘Teutonic’ Scots tongue that Fordun associated with civilized Scotland.¹¹⁰ Accustomed to cultural prejudices of the Lowlands, the men of Ronaldsay appear to have invoked an established stereotype of Highland Scots when describing their attackers.¹¹¹

Bishop Thomas used similar terminology in 1461 when he reported that Earl John’s force included ‘men from Sudor, Ireland and the Scottish wildlands’ (*Sodorensibus Ybernensibus et Scotis siluestribus*).¹¹² Given the parallel phraseology between the different fourteenth- and fifteenth-century sources, there can be little doubt that the ‘Wild-Scots’ (*willeschotta*) of the 1420s were of the same stock as the ‘Wildland Scots’ (*Scoti Silvestres; Scotos transalpinos et silvestres*) described in Lowland sources and the ‘men of the Scottish wildlands’ (*hominibus Scotis sylvestribus*) who re-emerged in Orkney around 1460.

The bishop’s mention of Earl John’s ‘men from Ireland’ (*hominibus Ybernensibus*) illustrates the impressive scope of his lordship at the time.¹¹³ The MacDonalds’ connection to Ulster was built upon centuries of acculturation and political interaction across the North Channel, bonds which were manifest in the family’s lordship over the glens of Antrim.¹¹⁴ The other named participants,

108 *Chronica Gentis Scotorum*, 42. ‘ferina gens est et indomita, rudis et immorigerata, raptu capax, otium diligens, ingenio docilis et callida’.

109 Walter Bower spoke of ‘Highland Scots and [of] the wildlands, who are called caterans or ketherans’ (*Scotos transalpinos et silvestres quos catervanos seo ketheranos vocamus*) (*Scotichronicon* 1, 48–49). John Major referred to ‘Wildland Scots’ (*Scoti Sylvestres*) (*Historia Majoris Britanniae*, lib. 1). Andrew of Wyntoun spoke of ‘wild, wicked Highland men’ (*wyld, wykkyd Heland-men*) (*The Orygynale Cronykil of Scotland*, 55).

110 *Chronica Gentis Scotorum*, 42.

111 *DN* 2, no. 691.

112 *DN* 5, no. 836.

113 *Ibid.*

114 On MacDonald and Ireland see Simon Kingston, *Ulster and the Isles in the Fifteenth Century. The Lordship of the Clann Domhmaill of Antrim*, Dublin 2004; Petre 2015, 606, 608. The MacDonald family history underscores the connection to Antrim in Ulster, claiming ‘he had as strong a country as any in Ireland, to protect him from the pursuit of his enemies, the seven proportions of the glens being his property; at the same time he was much more

the 'men from the Hebrides [Sudors]' (*hominibus Sodorensibus*), most likely originated from the inner-Hebridean caput of the MacDonalds' island lordship.¹¹⁵ It is tempting to identify the Hebrideans with those mentioned in the MacDonald family history, including Hugh MacDonald of Sleat and William MacLeod of Harris.¹¹⁶ A charter from 28 June, 1449, brings the two figures' relationship to Earl John into vivid focus when it shows him granting Sleat in Skye to his 'natural brother' (*frater carnalis*), Hugh, a transfer to which MacLeod (*Willielmus Macleod de Glenelg*) bore witness.¹¹⁷ Beyond filial associations, enfeoffment of this kind, both here and in additional sub-delegations of land, must have underpinned the cultivation of Earl John's forces, a point which may find expression in the seventeenth-century claim that the Orkney raids were conducted largely by 'young heritors of land'.¹¹⁸

Taken together, the evidence is strong that the Hebridean raids on Orkney around 1460 were rooted in a tradition of aggression stemming from within the lordship of the Isles. Hostilities may have become elevated to a new level under Earl John, but he was not the first to lead an amphibious assault on the Northern Isles. His actions cannot be explained as merely expressions of a personal feud or even as a specific political struggle between himself (or his kinsmen) and the Sinclair earl of Orkney in the mid-fifteenth century. Accusations of plunder are common throughout the Orcadian reports. The men of Ronaldsay's claim that 'Wild-Scots' 'did them great injury to their goods, meat, and drink'¹¹⁹ is echoed in the bishop's accusation that the MacDonald forces 'carried away with them their chattels, animals, furnishings, jewels, money, and everything they could for their own use, leaving little or nothing except the burnt soil of the earth, empty and useless'.¹²⁰ Even in the flattering MacDonald family history, the attackers are said to have 'ravaged the country' and 'loaded their galleys', excusing their piracy as a just reward for their exhaustion.¹²¹ The burgesses and baillies of Kirkwall claimed that John's raiders also attacked

beloved in Ireland than the king of Scots, for generally those Irish were not very obedient to the Crown of England, [and] cared very little for that of Scotland [...]' (*Hist*, 44).

115 David H. Caldwell, *Islay. The Land of the Lordship*, Edinburgh 2008.

116 *Hist*, 37.

117 Bernard Burke, *A Genealogical and Heraldic History of the Landed Gentry*, London 1838, 477.

118 *Hist*, 37.

119 *DN* 2, no. 691: 'oc giordo them stoor skada oppa there gotz maat oc dryk'. Cf. *REO*, no. 18.

120 *DN* 5, no. 836: 'depopularunt catalla animalia vtensilia jocalia nummis et generaliter omnia bona depredarunt secum ad propria deferentes nichil vel parum reliquerunt nisi solum terre combustum vacuum et inane'. *REO*, no. 23.

121 *Hist*, 37.

Shetland.¹²² Although that community was not part of William I's grant from the Norwegian king, the conditions of his installation charter as earl of Orkney from 1434 stipulated, as did the charter for Earl Henry I from 1379, that he was also obliged to employ his military forces in the protection of that northerly province.¹²³ Whether John knew of this arrangement or not appears to have been of no consequence to his raiders looking for spoils of war.

In each of the fifteenth-century accounts, the people of Orkney are portrayed as beleaguered victims. The burgesses and baillies call them 'poverty-stricken' (*pauperculis*), and the bishop excuses himself from visiting royal court because of his 'extreme, prevalent poverty' (*nimia vigens paupertas*).¹²⁴ Although perhaps embellished to inspire sympathy from the Norwegian king, such claims reflect what was a true economic stagnation in late medieval Orkney.¹²⁵ The *Complaint* from the 1420s reports that 'the country was plagued that grain would not grow',¹²⁶ and modern studies of cadastral surveys from the late fifteenth century reveal the wasting of large swaths of land.¹²⁷ While MacDonald's raids certainly did not cause the Orcadian recession, they no doubt increased the suffering associated with them.

Beyond poverty, Orkney was militarily ill-equipped to resist the amphibious attacks. While the MacDonald family history may exaggerate Orcadians' incompetence in combat, theirs was a far less militarized society than that of their western adversaries.¹²⁸ The lordship of the Isles was, in the fifteenth century, a 'tremendous military and naval might, being able to muster highly mobile forces, which could number several thousands of men, and keep them in the

122 DN 5, no. 827.

123 *NgL* 2.1, no. 74; cf. *DN* 2, no. 459.

124 *DN* 5, nos. 827, 836.

125 Grohse 2014c., 313.

126 *DN* 2, no. 691: 'landit war plagat thet kornit wæxte eke'. Cf. *REO*, no. 19.

127 Henry Sinclair's rentals of Orkney from 1492 reveal a considerable amount of 'ley land' – land that was out of cultivation. Although the wasting of land may have been the result of rabbits being introduced to Orkney at the close of the fifteenth century, it was more likely that it was part of the same agricultural crisis that gripped late medieval Europe, and late medieval Northern Europe in particular (Thomson 1996, xiii–xiv). Reeling from the demographic downturn and the resultant stagnation of agricultural production in the wake of the Black Death, marginal grain-growing regions like Orkney (*ibid.*). Sentence missing a main verb. The marginal grain-growing regions like Orkney *what*. See also *idem* 1984; *idem* 2008, 101–17. The same process was witnessed in mainland Scandinavia, where agricultural decline was uncovered as part of the large-scale Ødegård-project. See Svend Gissel et al. (eds.), *Desertion and Land Colonisation in the Nordic Countries, c. 1300–1600*, Stockholm 1981.

128 Grohse 2014b.

field for considerable periods'.¹²⁹ The so-called *Roll-Call of the Isles*, compiled roughly a century after the attacks in question, provides a rough impression of the scale of forces amassable from the Hebrides alone.¹³⁰ While the 6,990 men available from the Hebrides, including 2,300 elite mercenary 'gallowglasses', probably exceed the number available to MacDonald in the fifteenth century, his forces would have been substantial.¹³¹ Within the maritime environs of western and northern Scotland, the lords depended on an amphibious style of warfare, using galleys, including the *luing* and *birlinn*, which 'were little different from the craft in which Vikings had operated'.¹³² If the scale and technology of Highland and Hebridean forces threatened political and military instability within the Scottish kingdom, the perceived 'militarism' of their societies engendered in contemporary observers a sense of fear and disdain for the 'cat-erans', a pejorative label with strongly military connotations.¹³³

It is interesting that the letters from 1460 and 1461 are not petitions for help from their Scandinavian monarch, King Christian I. In both cases, the writers show great faith in the abilities of their earl to quell the assaults, with the burgesses and baillies claiming that 'for our defence in the aforementioned, he [William I] has laid out himself and his in our deadly struggle to his no small suffering and loss, bearing the expenses, labours, and dangers of war, principally for the sake of the honour of your [Christian I's] excellence'.¹³⁴ They add that the Orcadians would have already been utterly destroyed by the sword had it not been for his 'presence and defence' (*presencia et defensione*).¹³⁵ Bishop

129 Petre 2015, 217. See also Kingston 2004, 172–201; Boardman 2012.

130 William F. Skene, *Celtic Scotland. A History of Ancient Alban*, vol. 3, Edinburgh 1880, 428–40.

131 Kingston 2004, 184. Alexander MacDonald, for instance, is reported to have commanded an island contingent of 3,000 men into the siege of Roxburgh (*Hist*, 45).

132 Kingston 2004, 188. See also John MacInnes "West Highland Sea Power in the Middle Ages", *Transactions of the Gaelic Society of Inverness* 48, 1972/4, 518–56; Denis Rixson, *The West Highland Galley*, Edinburgh 1995. The birlinn was emblematic of power in western Scotland. As Stuart D. Campbell notes, 'while an equestrian seal may have meant very little in a west highland context the birlinn undoubtedly did, as clear a symbol of lordship and martial prowess as the former would be in the Anglo-Norman east' (Stuart D. Campbell, "The Language of Objects: Material Culture in Medieval Scotland", in Matthew Hammond (ed.), *New Perspectives on Medieval Scotland 1093–1286*, Woodbridge 2013, 200). Cf. Grohse 2014d, 174, 176.

133 Boardman 2012, 233–34.

134 DN 5, no. 827: 'ob nostri defensionem a premissis de nostro letali conflictu finali detrimento apparente compaciens signanter propter vestre excellencie honorem ad guerras expensas labores et pericula'. Cf. REO, no. 22.

135 DN 5, no. 827.

Thomas echoed these sentiments, elaborating that he was confident in William I's ability to halt MacDonald by way of 'treaty or otherwise' (*concordiam uel cessas(s)ent alias*).¹³⁶ We may read the burgesses' and baillies' allusions to the earl's 'presence and defence' as metaphors for the attentiveness with which William I addressed the islanders concerns; in reality, both their letter and the letter from the bishop explicitly cite the earl's absence from the isles and emphasize the importance of his campaign to quell the threat from mainland Scotland.

In reviewing Earl William I's actions and their consequences, it is difficult to share the Orcadians' faith in their earl. Although his association with, and support of, the Stewart king was never openly discouraged by the Norwegian crown, his involvement in the placating of anti-royalist factions under the reign of King James II, as well as his efforts to seize *de facto* power during the minority of King James III, drew the ire of the MacDonalds, the potent earls of Ross and lords of the Isles. Although long plagued by intermittent Hebridean raids, Orkney had remained largely peripheral to inner-Scottish power struggles since the mid-thirteenth century. In instigating or enlivening a feud with the MacDonalds, William I indirectly swept his Norwegian lands into the fray of conflict south of the Pentland Firth, positioning the islands as defenceless targets of the MacDonalds' aggression. Not only did Orkney's earl fail to defend the isles in the manner he had pledged to do so upon receiving his grant from King Eric III in 1434, but he also defaulted on another oath by creating for Orkney the very dangers against which he was supposed to protect. Like his grandfather, William I swore never to 'raise or begin any war, litigation, or dissension with any persons' that might hurt Norwegian interests or bring injury to the crown's lands and inhabitants.¹³⁷ Whereas his grandfather had met his end 'in the defence of the county', presumably in Orkney, William I abstained from the violence along the frontier, paying the Orcadians and their lord in Scandinavia little more than lip-service.

5.4 Conclusion

King Magnus VI's restoration of the earldom of Orkney under Earl Magnus III in 1267 was compelled by the lingering trauma of foreign invasion. Having witnessed the failure of the Norwegian levied forces in repelling Scottish invaders in the Hebrides in 1262, Magnus VI was unready and unwilling to mobilize mainland-Norwegian forces for the defence of the Norse frontier communities.

¹³⁶ Ibid., no. 836.

¹³⁷ *NgL* 2.1, no. 74. Cf. *DN* 2, no. 495.

With few options remaining, the king was forced to accept the potential challenges of delegating military authority to a regional lord vis-à-vis the Orkney earldom. In theory, the threat of violence was quelled by the establishment of an eternal peace between the kings of Norway and Scotland in 1266. However, complete demilitarization, particular in frontier regions, was essentially inconceivable in the medieval era, when social order was achieved through the marriage of civic and military administration. Recognizing that the legitimacy of Norwegian rule in Orkney depended in part on the crown's ability to maintain the military dimensions of social order, Magnus VI was compelled to reinstate and rearm Magnus III as his frontier custodian.

Contrary to views expressed in previous works by Steinar Imsen and Randi B. Wærdahl, the restoration of the earldom entailed no obvious curtailments of the earl's military prowess.¹³⁸ The notable prioritization of earls' obligations to the crown in respect to foreign wars and invasions after 1267 may suggest that the military mandate after 1267 was even more focused, more stringent than it had been prior to that time. However, if there were no obvious limits on the potential strength of the earls' forces, there were parameters within which they should be employed. As a vassal of the Norwegian crown, the earl's military exploits should always serve the interest of the king and his subjects, and while they were not barred from independently mobilizing their forces in their own interests or in the interests of their foreign allies, they should never incite conflict that infringed upon the welfare of the interest of the crown, country or people. The latter principle can be seen as the pivot in the ideal model for frontier organization: earls were free to build and employ contingents in the interest of foreign allies, but never to the detriment of the homeland security.

This is significant in two respects. Viewed as an isolated case, it demonstrates the faith placed in the Norwegian-Scottish alliance by the rulers of those two kingdoms. Norway's monarchs never disavowed the earls' foreign fealties, and thus never impeded their involvement in Scottish military strategies. This is particularly apparent in the late fourteenth and fifteenth centuries, when Earl Henry I, for instance, allied himself with Scottish and French forces in opposition to the English king, Richard II, and Henry II served King Robert III of Scotland in battle, even falling captive at the Battle of Homildon Hill in 1402.¹³⁹ Although the elder Sinclair's activities put a strain on Norwegian-English diplomatic relations, neither he nor his son were condemned for allying with, or

¹³⁸ Imsen 2000, 175; Wærdahl 2011, 85.

¹³⁹ For Earl Henry I and King Richard II see Crawford 2013, 346; *RN* 8, no. 29. For Earl Henry II and his Scottish service see Thomson 2008, 172.

paying military service to, Norway's principal ally, the kingdom of Scotland. The limits of that arrangement became apparent during the tenure of Earl William I, however, whose involvement in domestic Scottish struggles, particular with the MacDonald earls of Ross, lords of the Isles, in the 1450s and 1460s. As these conflicts invited violence to Orkney, and as the earl's preoccupations in Scotland prevented him from mounting an effective defence, his foreign activities were viewed as breaches of his pledges to secure the country and to avoid wars that either directly or indirectly infringed upon Norwegian interests.

Law and Communal Identity

Three-and-a-half centuries after King Alexander III proclaimed the Norse laws of the Hebrides and Man to be void and replaced by the laws and customs of Scotland, King James VI set out on a similar project to rid the Northern Isles of their Norse legal heritage, thus anchoring them more firmly into the ambit of the Scottish kingdom. On 22 March, 1611, the Scottish king, with the consent and authority of the estates of parliament, ordained *'that all and sundry the subjects of this Kingdom should live and be governit under the lawis and statutes of this realm allernarly, and be no law of foreigner countries'*.¹ Within *'the boundis of Orknay and Yetland'*, parliament claimed, governors had for their own private gain chosen to *'judge the inhabitants of the said countries be foreyne lawis, making choice sometimes of foreyne lawis, and sometimes of the proper lawis of this Kingdom'*.² Consequently, the lords of the Privy Council decreed that it therewith *'discharges the said foreign lawis, ordaining the same to be no farther usit within the said countries of Orknay and Yetland at ony time heirafter'*.³

The parliamentary act abolishing *'foreyne'*, Norwegian, laws in the Northern Isles occurred well over a century after Orkney was pledged to Scotland by King Christian I in 1468. The marriage treaty that formalized that transfer is notably silent on the matter of law, a point that may reflect the Norwegian crown's intentions of eventually squaring its debt to Scotland and reclaiming authority over the isles.⁴ Whether or not Orcadians were aware or supportive of the Norwegian crown's political aims, they evidently saw no reason to fix what was not broken and continued the practice of Norwegian laws and Orcadian customs as far and frequently as was possible under the rule of increasingly overbearing and despotic governors in the sixteenth century.⁵ From

1 Peterkin 1822, 63–4.

2 Ibid.

3 Ibid., appendix 64.

4 Gordon Donaldson, "Problems of Sovereignty and Law in Orkney and Shetland", in David Sellar (ed.), *The Stair Society. Miscellany* 2, Edinburgh 1984, 18; Crawford 1971, 329–35.

5 Robert Stewart, earl of Orkney and lord of Shetland, and his son, Patrick, were notorious figures in the history of the Northern Isles and are often blamed for the degradation of Norwegian law and local custom. Particularly egregious was their 'feudalization' of allodial land. Their history has inspired impassioned condemnation from, among others, David Balfour (David Balfour, introduction to *Oppressions of the Sixteenth Century in the Islands of*

the perspective of the Scottish crown, the preservation of Norwegian law in the fifteenth and sixteenth centuries had made the Northern Isles ‘*very far obscurit*’.⁶ From the perspective of Orkney’s inhabitants, it preserved sinews of association with the Norwegian crown, the patron monarch that bestowed upon them the laws by which they lived. As late as 1575, the people still hailed the authority of Norwegian law and the Danish-Norwegian king, complaining that their Scottish governors had introduced ‘*new laws and consuetudes, forgit of the laws of Norway, never received of before in Orkney, and abrogation of the auld laws and statutes of the realm*’.⁷ In addition to maintaining the old links, legal traditions lent a sense of continuity to public life in Orkney (and Shetland), providing local communities with a sense of stability, familiarity and identity even in the face of sweeping governmental changes. If this was the case in the first centuries and decades of Scottish control, it was certainly more so in the final centuries of Norwegian rule.

There were strong intersections between concepts of law, justice and identity in late medieval Orkney. Crucially, the forms of law and justice alluded to in contemporary sources from the fourteenth and fifteenth centuries pertain less often to the rights and privileges of individuals than to those of the collective population. Whereas the feudal paradigms abounding in surveys of medieval history often place the axes of identity within the personal bonds between lords and vassals, suggesting that people defined themselves vis-à-vis the rules handed down to them by their individual superiors, such models are unsuitable for the study of the late medieval realm of Norway, where legislation pertaining to entire towns, countries and the realm as a whole took precedence over, and in many cases rendered illegitimate, the obligations between

Orkney and Zetland: From Original Documents [Oppressions], ed. David Balfour, Edinburgh 1859, ix–lxi) and Clouston, who argued that if there was ‘one deed of kindness, wisdom, or manliness to be set on the other side of the account’ of Robert Stewart, then ‘no hint even of one of these qualities appears on any record’ (Clouston 1932, 306). Further, while Robert ‘devised the various systems of extortion and tyranny which brought the islands to the verge of ruin’ (ibid, 307), it is ‘Pate Stewart, Earl Robert’s son and successor, that is still remembered in Orkney to-day as a synonym for oppression’ (ibid). It is beyond the scope of the present work to delve into their oppressions, although they have recently been scrutinized and nuanced in Anderson 2012. See also Thomson 2008, 262–286.

6 Peterkin 1822, 65.

7 *Oppressions*, 4. This complaint was one of many concerning the ‘*wrangus usurpation of the King’s Majesty’s [Scotland] authority, and oppression committed by Lord Robert Stuart, fewar of Orkney and Zetland*’ (ibid., 3). Not all of the grievances pertained to Norwegian law. For an overview see Anderson 2012, 90–113.

lord and vassal.⁸ An emphasis on law as a feature of corporative organization, be it a local, national or trans-national corporation, seems more fruitful for the study of Orcadians' identities and loyalties.⁹

6.1 Norwegian Law and Orcadian Custom

Throughout much of the period in focus, Orkney was subject to the laws of the king of Norway. While it is unclear exactly when and how Norwegian law was introduced along the Norwegian-Scottish frontier, most historians agree that the Northern Isles, which had long fostered a shared legal tradition with Norway and the other Norse territories, formally adopted King Magnus VI's consolidated *National Law* at some point in the late thirteenth century.¹⁰ Issued in

8 §6 of the Norwegian law of the Frostaping, which outlines the structures and procedures for public courts, begins with the aphorism, as derived from Justinian *Digestæ*, that 'by law shall our land be built' (*At lögum skal land vårt byggja*) (*NgL* 1.1, 128). Cf. Steinar Imsen, "Law and Justice in the Realm of the King of Norway", in idem (ed.), *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, Trondheim 2013, 15). For Imsen, this statement illustrates the innate link between law and communal construction, where law becomes the common good of the community, applying without exception to all members (*ibid.*, 16). Communal identities were widened with the introduction of consolidated legislation in the thirteenth century, on the one hand (*ibid.*, 29–37), yet maintained localized communities through the continuation of local legal customs, making them 'self-governed corporations based on a shared body of laws that was supplemented with legislation adapted to the needs of each province (or area), and their long-standing customs (*ibid.*, 37).

9 The emphasis on corporative identity is founded in the seminal works of e.g. Otto von Gierke, who emphasized correlations between law, communal identity and the nascence of medieval states. See e.g. Otto von Gierke, *Rechtsgeschichte der deutschen Genossenschaft*, Berlin 1868.

10 It is probable that early settlers from Norway brought some of the legal customs and judicial structures to the isles in the early Middle Ages, for, as Crawford explains, 'it is undoubted that a legal structure must have been established in the islands from the earliest days of settlement, for it was an integral part of the organization of society in Norway' (Crawford 1987, 204, also 204–10). The laws of the *Gulaping* are known to have influenced the legal traditions of Iceland (Patricia P. Boulhosa, "Ideas of Law in Medieval Icelandic Legal Texts", in Steinar Imsen (ed.), *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, Trondheim 2013, 169–82), and probably also served as a model in the Northern Isles (Crawford 1987, 205; Robberstad 1983; Imsen 2013, 20). In Orkney, there may have been greater divergence from the mainland legal models, with greater similarities with communities on the northern British mainland that 'amounted to regional variations on an adopted pattern that was distinctly Norse but cast in what we might call

Norway in 1274, the *National Law* was apparently in effect in Shetland when, in 1298, Duke Hákon (later King Hákon v) commissioned Shetland's lawman, Sigurd, to assist in the revision of the code in the Faeroes, an appointment which most likely reflects the lawman's familiarity with the laws from his own province.¹¹ A letter of inquiry by a Shetland assize in 1299 also reveals a court structure and judicial procedures which conform to the normative model for provincial judiciaries as sketched out in the *National Law*, indicating that the code was well-established in that province.¹² Although we lack such clear evidence from Orkney, scholars generally agree that it was integrated into the legal framework of the Norwegian realm around the same time.¹³

Norwegian law became a new medium for political integration.¹⁴ Whereas Norwegian kings had long asserted their suzerain authority over Orkney's earls, advancing the process of Norwegian domination over the frontier, it was with the introduction of Norwegian law that rulers first engaged the Orkney community on a wider plane. Acceptance of the universal law code enabled Orcadians to arrange judicial and civic administration in a manner that was familiar to Norwegian functionaries, thus facilitating the ready transfer of officials between the mainland kingdom and the peripheral province. While earlier attempts to introduce royal officers in Orkney had proven problematic, the new code established a paradigm of Norwegian-style government in the isles, eliminating ambiguity over the legality of the king's officials and clearing the way for a more direct form of Norwegian lordship.

King Magnus VI's *National Law* encouraged peasants to participate actively in judicial and political proceedings and promoted a tradition of communal self-governance.¹⁵ The law provided guidelines by which peasants were to negotiate in both civil and criminal cases. Civil matters were dealt with by commissions of three, six, twelve, eighteen or twenty-four peasants, who conducted inspections, oversaw the devolution of inheritance or acted as a

a British mould' (Imsen 2013, 21). See also Edvard Bull, *Det norske folks liv og historie gjennom tidene*, vol 2, *Fra omkring 1000 til 1280*, Oslo 1931, 134–35; Knut Robberstad, *Retts saga 1*, Oslo 1976, 165–67).

11 *Seyðabrævið*, eds., Jóhan H.W. Poulsen and Ulf Zachariesen, Torshavn 1971, 45; Wærdahl 2011, 122; *SD*, xi–xii. Medieval Shetlanders and the Faeroese were essentially 'cousins and acquaintances' (*ibid.*, xii).

12 *DN* 1, no. 89.

13 Wærdahl 2011, 121.

14 This is a central premise of Wærdahl's survey on the consolidation of the Norwegian realm in the central and late Middle Ages (*ibid.*, 119–39, 149–56).

15 Imsen 2013, 37; *idem* 1990.

court of arbitration.¹⁶ Criminal cases were addressed in the context of the 'lawthing' (*lögþing*), provincial peasant-courts in which juries, formed by local representatives, known as 'lawrightmen' (*löggréttumenn*), assisted the crown-appointed magistrate, the 'lawman' (*lögmaðr*), in passing judgment.¹⁷ Although they represented an arm of royal governance, lawmen were typically sourced from the communities over which they adjudicated.¹⁸ Judicial assemblies, be they formal courts or *ad hoc* panels of inquiry and arbitration, became the focal point for public life in both Norway and in the provinces, and provided the inspiration for a system of communal home-rule and the 'basis of the provincial commune'.¹⁹

In much the same way that judicial authority in all but the gravest cases was delegated to the communities in which the offences or disputes arose, so too was executive power over local administration entrusted to the relevant constituencies. In 1293, King Hákon v decreed that sheriffs, who oversaw the prosecution of justice, organization of defence and the collection of public revenues, were to recruit 'deputies' (*lénsmenn*) from among the leading peasant families in the community.²⁰ Those serving in public executive office thus originated in the same local elite as those overseeing the application of law. Although Hákon v amended this rule only four years later by also allowing royal retainers to be chosen as deputies in local communities, the appointments still required the popular consent of the peasantry, a point that demonstrates the crown's efforts to cultivate the link between the crown, its officers and the peasantry.²¹

The local character of the communal judiciary was also encouraged by the crown's allowance of legislative amendment in individual provinces. Despite an overall aim to homogenize the realm legally, Norway's rulers recognized the plurality of existing local customs when integrating the various provinces into the common legal framework. In order to implement one law to cover a range of diverse local constituencies, King Magnus vi and his successors sought

16 Imsen 1999, 55.

17 Jens A. Seip, *Lagmann og lagting i middelalderen og det 16de århundre*, Oslo 1934; Torfinn Tobiassen, "Lagmann. Norge", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*, vol. 10, 1965, cols. 153–62.

18 Steinar Imsen, "Public Life in Shetland and Orkney c. 1300–1500", *New Orkney Antiquarian Journal* 1, 1999, 55–56.

19 Ibid., 58. See also idem, "Bygdesamvirket som rikspolitisk utsiktspunkt. Kommunalt liv i Norgesveldet mot slutten av gammelnorsk tid", *Heimen* 2, 1988, 129–41.

20 *NgL* 1.3, 21: 'lénsmenn at þar skulu vera teknir till skilríker bøndær þeir sëm ero ættæder ok røyndir i byghdarl aghe'. Cf. Imsen 1990, 31.

21 *NgL* 1.3, 30. Cf. Imsen 1990, 32.

cooperation and consensus, allowing the basic form of his code to be ratified and amended to suit local conditions. This approach was well-documented in Iceland and the Faeroes where those provinces' 'general assemblies' (*alþingi*) received their own modified lawbooks based on the general outline of King Magnus IV's *National Law*.²²

The versions of the law that were used in Orkney in the central and later Middle Ages have not survived, and it is therefore unclear exactly how it was received and amended by the frontier community. Given the crown's readiness to recognize and accept amendments pertaining to specific local conditions in Iceland and the Faeroes, Thomson assumes that the 'local element to the law' in Orkney was also recognized and catered to by Norway's kings when compiling legislation for that country.²³ Evidence for this can be gleaned from a later document from 1420 in which Thomas Tulloch, the bishop and

22 Wærdahl 2011, 119–158; Imsen 2013, 27–30. In Iceland, the process began as early as 1271 when the first of King Magnus VI's laws for that country, the *Járnsiða*, was proposed for ratification before the Icelandic general assembly, although local scepticism about various points of the law meant that it took nearly a decade for it to be passed. In 1280, King Eric II replaced that 'outdated' law by sending an amended version of his father's *National Law*. Ratified by the general assembly in 1281, this so-called *Jónsbók* was at its core the same as the *National Law* but contained a number of older provisions drawn from earlier Icelandic law intended to cover unique conditions in that country and appease more sceptical members of the local legal community. See also Jón Viðar Sigurðsson, "The Court and Assembly Organisation in Iceland c. 1250–1450", in Steinar Imsen (ed.), *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, Trondheim 2013, 211–228. On *Jónsbók*'s latter development see Lena Rohrbach, "Repositioning *Jónsbók*. Rearrangements of the Laws in Fourteenth-Century Iceland", in Steinar Imsen (ed.), *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, Trondheim 2013, 183–210. A similar process was witnessed in the Faeroes. In 1298, Duke Hákon Magnusson (the future King Hákon V) issued an ordinance, the so-called 'Sheep Letter' (*Seyðabrævið*), in which he listed a new set of rules which were not included in King Magnus VI's law code previously ratified by the Faeroese general assembly. The *National Law* was introduced to the Faeroes sometime between 1274 and 1298, mostly likely around 1280, although not all points were immediately accepted or deemed sufficient by the local community. Responding to their discontent, the duke later issued his ordinance, giving them the means to regulate farming and landholding which best suited their environment. See Hans J. Debes, "Færøerne og Norge. En tusindårig forbindelses begyndelse, forløb og afslutning", *Historisk tidsskrift* 94, 1995, 39–56; George V.C. Young, *From the Vikings to the Reformation. A Chronicle of the Faeroe Islands up to 1538*, Douglas 1979, 51–53; Wærdahl 2011, 121–23.

23 Thomson 2008, 186. Thomson assumes that the local element pertained to the regulation of farming, and were localized laws of precedent, rather than legislation. Cf. Wærdahl 2011, 129.

also the crown-appointed governor of Orkney, swore 'to keep law and justice as the Norse lawbook mentions and the old obligatory custom of the country hereto'.²⁴ In his survey of late medieval and early modern legal practices in the Northern Isles, Clouston concluded that, whereas Shetland was likely to have been 'ruled by the letter of the Norwegian law', Orkney diverged more notably from the Norwegian mould, adding that 'the Norwegian machinery of justice is found in the northern group, but not in the southern'.²⁵ While Imsen finds greater parallels between Norwegian and Orcadian legal practices, he too posits that in contrast to Shetland, where the *National Law* 'was probably applied unabridged', Orkney was allowed to fashion 'its own provincial privileges and statutes like Jemtland, Iceland and the Faeroe Islands'.²⁶ The older 'custom of the country' cited in 1420 may reference local legal elements which predated the *National Law* and which were maintained during the process of ratification of that law in the late thirteenth century in much the same way as in the Icelandic and Faeroese versions.²⁷

Delegation of legal authority to Orkney's peasants imbued the local community with a sense of purpose in public life and devotion to the laws from which their authority was derived. While encouraging localism, this also had the effect of strengthening ties between the commune and the crown. As in other Norse communities, the people of Orkney developed an appreciation for Norway's kings as purveyors of the laws and models of justice around which their communities were forged.²⁸ This was both a semi-mythical ideal, rooted in the legend of St. Olav's legal innovation, and a recognition of the crown's factual legislative efforts under such kings as Magnus VI, Hákon V and Olav IV.²⁹

24 DN 2, no. 657: '*giøre lagh oc ræt efter þui sæm noren laghbook watar oc gamul landz skelleg hæ sidwæne her til hafer warit*'.

25 REO, lxviii.

26 Imsen 1999, 63.

27 In Iceland, many elements of *Grágás*, the collection of laws recorded on parchment in the early twelfth century, survived through the legal revisions of the 1270s. See e.g. Jana K. Schulman (ed.), introduction to *Jónsbók. The Laws of Later Iceland*, ed. by idem, Saarbrücken 2010, xi–xvi.

28 According to Wærdahl, 'no one in the tributary lands questioned the king's legislative authority as a principle. It was regarded as a part of his territorial lordship' (Wærdahl 2011, 139).

29 References to King Olav II (St. Olav) are found in both legislation and diplomacy across the Norwegian realm in the late Middle Ages. The legitimacy of the kings' legal amendments was predicated upon the idea that kings pledged to amend those laws first issued by Olav II (*NgL* 1.3, 29; *Hsk*, 68). Cf. Wærdahl 2011, 139, note 70; Knut Helle, "Rettsoppfatninger og rettsendringer: Europa og Norge i middelalderen", in Geir Atle Ersland, Edgar

The ideal of loyalty was elaborated by way of practical interaction between the commune and the kings. Often responsible for compiling or confirming public documents, the commune in some respects dictated the avenues of communication with the royal court, often appealing directly to the king in cases demanding royal intervention.³⁰ Norwegian legal models which granted authority over the organization and application of law and order in Orkney thus instilled a sense of loyalty to the crown while also encouraging the growth of locally-based patriotism.

6.2 Lawmen and Royal Mediation

If the marriage between Orcadian and Norwegian legal spheres was ordained in the legislative works of Norway's kings, it was consummated through the judicial practice of Orkney's lawmen. As Imsen argues, local courts, the lawthings, provided the most durable and functional satellites for communication between kings and their subjects, both in Norway and in the overseas tributaries.³¹ By extension, the doyen of those judicial assemblies, the lawmen, shouldered the responsibility for devolving the king's laws and conveying information of a legal nature between the king and his subjects in the various corners of the realm.³² When Orkney's home-grown judicial structure was subsumed into the royally-mandated system of law in the wake of King Magnus VI's legal reforms of the 1270s, the lawman became a crown-appointed official.³³ Ideally nominated through local support, the late medieval lawman was nevertheless commissioned and remunerated with a regular salary by the king.³⁴ In addition to providing legal advice to the local assize of

Hovland and Ståle Dyrvik (eds.), *Festskrift til Historisk institutts 40-års juileum*, Bergen 1997, 64–66). Reference to Kings Magnus VI and Hákon V demonstrated the peasants' reverence for the legal reform efforts of those kings (e.g. *DN* 1, no. 696). In 1425, the people of Orkney refer to the amendments of King Olav IV, which were apparently issued in connection to that king's acclamation (*DN* 6, no. 423). See Imsen 1994, 272; Wærdahl 2011, 132.

30 Imsen 1990, 29, 158.

31 Ibid. For a general discussion on the courts' functions in the peasant commune see also idem, "Det gamle tinget – og det nye", in Dag Michaelsen and Knut Sprauten (eds.), *Rett og historie. Festskrift til Gudmund Sandvik*, Oslo 1997, 13–35; idem, "Communalism and State-Building in Norway 1537–1648", *Scandinavian Journal of History* 22, 1997, 21–31.

32 Seip 1932; Imsen 1999, 53–55.

33 Wærdahl 2011, 149–50.

34 Imsen 2012, 21: 'By the very late Middle Ages the Lawthing had emerged there [in the tributary provinces] as a kind of provincial representative body under the leadership of

'lawrightmen', the lawman also kept and applied the communal seal (*Sigillum Communitatis Orcadie*) to officiate public documents and correspondences with the king.³⁵

But it is unclear whether Orkney's earliest lawmen were, in fact, as Imsen describes them, the '*primus inter pares* among the leading men of the community'.³⁶ Sigvat Kolbeinsson, the first 'lawman in Orkney' (*logmadhir i Orkeyium*) to appear in late medieval records, appears to have been Norwegian, as he emerges in Norwegian records as an estate administrator attached to Munkeliv Monastery in Bergen in 1309, 1313 and 1321,³⁷ and is first referred to as Orkney's lawman in a settlement signed in Bergen in 1325 regarding disputed land in the Sogn district of Western Norway.³⁸ Perhaps Sigvat, whose roots lay in Norway, was appointed and dispatched to Orkney by the king, rather than nominated by his local constituency. It is possible that he owned land in both Orkney and Norway as was often the case for officials in the neighbouring province of Shetland.³⁹ Furthermore, he may have, like his lawman counterparts in

the Lawman, as *primus inter pares* among the leading men of the community, normally twenty-four in number'.

35 Hallvard Trætteberg, "Lagtingssegl", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*, vol. 10, 1965, 184–92; Imsen 1994, 260, 264; Thomson 2008, 174–76; Crawford 2013, 21–22. As Wærdahl explains, the communal seal 'gave legitimacy to the pronouncements of the lawthing, but it could also be used politically, for example, in the supplications of the common people to the king (Wærdahl 2011, 175). Most recently, Barbara E. Crawford has analysed the design and symbolic value of the seal (as seen on the cover of this work) and concluded that it 'emanated from the Norwegian king's wish to tie the local hierarchy closely to the Norwegian central administration, and from their policy of stamping this powerful instrument of independent action with the image of the royal lion' (Barbara E. Crawford, "Two Seals from Orkney: The 15th Century Community Seal and a Seal Matrix Dating to c. AD 1300", in Irene Baug, Janicke Larsen and Sigrid Samset Mygland (eds.), *Nordic Middle Ages – Artefacts, Landscapes and Society. Essays in Honour of Ingvild Øye on her 70th Birthday*, Bergen 2015, 115).

36 Imsen 2012, 21.

37 *DN* 12, nos. 44, 47, 58.

38 *Ibid.*, nos. 67, 68. Cf. *ibid.*, no. 76, where Sigvat Kolbeinsson is no longer referred to as lawman, but appears to have returned to mainland Norway.

39 Norwegian landowners, known as the 'lords of Norrøyg', continued to be active in Shetland well into the sixteenth centuries. See e.g. Crawford, Barbara E. and Beverley Ballin Smith, *The Biggins, Papa Stour, Shetland. The History and Archaeology of a Royal Norwegian Farm*, Edinburgh 1999, 30–36. An example of this is Thorvald Thoreson, Shetland's sheriff in the late thirteenth and early fourteenth centuries, who was later known as 'lord of Papey' (*dominus de Papey*) (*DN* 7, no. 134). For Thorvald's landed interests in Shetland see e.g. Barbara E. Crawford, "Papa Stour: Survival, Continuity and Change in One

Jemtland in Eastern Norway and Hålogaland in Northern Norway, carried out his duties in an itinerant manner, travelling to and from seasonal sessions of court without a fixed residence in his jurisdictional district.⁴⁰

Investment of local juridical authority to Norwegian officials in the overseas provinces was not without problems. In Iceland, the push for home rule and the emphasis placed on native privileges in the late thirteenth and early fourteenth century went a long way toward precluding the installation of Norwegians in administrative and juridical posts.⁴¹ This was particularly manifest in the office of lawman, where nearly every holder between roughly 1270 and 1450 was a native.⁴² Iceland's push for self-governance was, as Imsen claims, symptomatic of the federalized commonwealth system of governance that emerged throughout the realm of Norway in the fourteenth century.⁴³ Largely abandoning earlier policies that saw the installation of Norwegians in official posts in the tributary countries, Norway's crown increasingly ceded authority to the 'self-governed corporations' – the provincial communes – granting the inhabitants of those lands greater prerogatives in the election of their local executives.⁴⁴

The same trends toward localism seen in Iceland and other parts of the realm can be witnessed along the Norwegian-Scottish frontier. Unlike the

Shetland Island", in Alexander Fenton and Hermann Pálsson (eds.), *The Northern and Western Isles in the Viking World: Survival, Continuity and Change*, Edinburgh 1984, 52–6.

40 In Jemtland, lawmen were itinerant, with regular meetings at the annual fair in Frösön (Magne Njåstad, 'The Eastern Realm': The King of Norway and the Border Province Jemtland', in Steinar Imsen (ed.), *Rex Insularum. The King of Norway and His 'Skattlands' as a Political System c. 1260–c. 1450*, Bergen 2014, 337–39), while in Hålogaland, lawmen travelled regularly between Trondenes, Vågan and Steigen, the latter becoming the permanent residence for lawmen only in the late fifteenth century (Aage Thor Falkanger, *Lagmann og lagting i Hålogaland gjennom 1000 år*, Oslo 2007, 63; Miriam Tveit, "The Introduction of the Law of the Realm in Northern Norway", in Steinar Imsen (ed.), *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, Trondheim 2013, 46; Lars Ivar Hansen, "The Successive Integration of Hålogaland and Finnmark into the Realm of the King of Norway", in Steinar Imsen (ed.), *Rex Insularum. The King of Norway and His 'Skattlands' as a Political System c.1260–c.1450*, Bergen 2014, 353–55).

41 Björn Þorsteinsson and Sigurður Lindal, "Lögfesting konungsvalds", in Sigurður Lindal (ed.), *Saga Íslands*, vol. 3, Reykjavík 1978, 82–83; Jón Viðar Sigurðsson 2013, 215. In 1302, Icelanders appealed to King Hákon V to only commission Icelanders with lineage to old chieftain families to the offices of sheriff and lawman (*DI* 2, no 177).

42 Jón Sigurðsson, "Lögsögumannatal og lömanna á Íslandi með skýringargreinum og fylgiskjöllum eptir Jón Sigurðsson", in Jón Sigurðsson et al. (eds.), *Safn til sögu Íslands og íslenskra bókmenta að fornu og nýju*, Copenhagen 1886, 6–9; Jón Viðar Sigurðsson 2013, 215.

43 Imsen 2010, 30; idem 2013, 37.

44 Ibid.

(presumably) Norwegian Sigvat Kolbeinsson, the next Orkney lawman to appear on record, William Thorgilsson, actively participated in the local community. The Orcadian *Complaint* from the 1420s tells us that he, together with his wife, resided on his own 'estate' (*gard*) and maintained his own private chapel (*kirkio*).⁴⁵ He may also have been the brother of another Orcadian named in that document, Patrick Thorgilsson, who is said to have owned cows and a bull.⁴⁶ These clues suggest that William originated from an established, land-owning Orcadian family.

He also fulfilled his duties as a crown official diligently, frequently acting as notary in correspondences between the Orcadians and their monarchs in Scandinavia. In 1422, William oversaw the compilation of a testimony on behalf of James of Cragy, a 'personal officer of the king' (*rege personaliter manucaptus*).⁴⁷ That document, which recounts Cragy's loyal service to the crown, was presumably issued as part of his campaign for promotion to a higher administrative post.⁴⁸ William's confirmation of those claims was evidently an essential step in Cragy's canvassing for political support and, perhaps, a prerequisite for appearance before the king in Copenhagen. As keeper of the communal seal, William became the target of assaults by David Menzies of Weem, who imprisoned the lawman in an effort to seize and misappropriate the signet for the forging of public scripts.⁴⁹ Having recovered it upon Menzies' departure, William promptly reaffirmed his place as Orkney's principal notary, appending the communal seal, along with his own, to the people's *Complaint* to the crown in or around 1425.⁵⁰ Although he is not mentioned by name in the Orcadians' letter to Queen Philippa from 1425, William was presumably the anonymous 'lawman' (*legiferi*) who oversaw the letter's compilation and affixed the communal seal to the script in affirmation of its legitimacy.⁵¹

45 *DN* 2, no. 691.

46 *Ibid.*

47 *DN* 20, no. 754.

48 Imsen 2012, 15.

49 *DN* 2, no. 691.

50 *Ibid.* It is specified here that 'we affix the seal of our aforesaid country and people here in Orkney to this writ, and therewith [the seals of] the honourable and honest men, who are William Thorgilson, lawman here in the same place' (*wi warforda landzsins oc almoghans insighle her i Orknø for thaenna script oc thær med hedherligha manna oc ærligha som ær Willom Thrygilson laghman her sama stadz*). William, it seems, recovered the communal seal from Menzies by the time of the *Complaint*'s compilation.

51 *DN* 6, no. 423. The community sent letters to the royal court 'with the seals of our lawman and other honest men' (*sigillis nostri legiferi et aliorum proborum sigillatis plenius*

William Thorgilsson's successor, John of Kirkness, was also of local origin. Referred to as 'than lawman off Orkney' in a decree of the so-called 'Hirdmanstein' assembly in 1438/39, Kirkness not only bore a local place-name, he is also said to have owned and sold twelve 'pennylands' in Toab (Tollop).⁵² Orkney's lawman in the 1430s, Henry Randall, was also a member of an established Orcadian family with holdings in northeast Mainland. *Hákonar saga* mentions the Randall estate as being the property of Kolbein, an Orcadian chieftain, in 1231, while a series of correspondences with the bishop of Bergen shows the estate to be in the possession of one Ragnvald (*Rechinaldo de Rayndal*) in 1325/26.⁵³ According to Clouston, linking these sources together reveals the 'remarkable tenacity with which the odal families retained their property over long periods of time [and] it is probable that these [men] were all of the same race'.⁵⁴ We can deduce that Clouston was referring to the Randall family line when he speaks of 'race', for he concluded that the 'lawman would not have held that post unless he had belonged to a well-established landed family'.⁵⁵

Berit Sandnes posits that Randall's name and occupation reveal his 'Norse background' and distinguish him from his Scots-speaking neighbours in the isles.⁵⁶ Such a deduction is initially surprising given that Randall oversaw the compilation of the aforementioned decree of the Hirdmanstein assembly in 1438/39, the first surviving Orcadian document compiled in Scots English.⁵⁷ Sandnes surmised, however, that the choice of language was merely a concession on the part of the bilingual but native Norse-speaking lawman; as some of the men involved in the transaction of land (including Thomas Sinclair and Walter Fraser) were 'Scotsmen', and were thus presumably monolingual, Randall was compelled to oversee the transaction using the Scotsmen's native tongue.⁵⁸ Despite his local origins and regardless of his personal cultural predilections, Randall was obviously receptive to Scottish social and cultural influence.

continetur), but also closes with 'written under the seal of our community' (*scriptum sub sigilli nostre communitatis*), presumably by the lawman.

52 *REO*, no. 30.

53 *HsH* 1, 424; *DN* 7, nos. 107, 108.

54 *REO*, no. 3.

55 *Ibid.*

56 Berit Sandnes, *From Starafjall to Starling. An Investigation of the Formation and Development of Old Norse Place-names in Orkney*, PhD dissertation, Norges teknisk-naturvitenskapelige universitet, Trondheim 2003, 20.

57 *REO*, no. 30.

58 Sandnes 2003, 20.

Their adoption of, or at least adaption to, a foreign tongue did not diminish the king's confidence in his local judges, nor dissuade the latter from performing their duties as crown agents. Lawmen continued to act as intermediaries between the king and the frontier community, overseeing the compilation of scripts intended for the royal court. A copy of the so-called *Genealogy*, the genealogical record compiled in support of William Sinclair's campaign for succession to the earldom, from 1443 was sealed by Henry Randall in accordance with the will of the community. The closing lines of that work articulate the lawman's role as the voice of the people, explaining that it was affirmed with the seals of the bishop, Thomas Tulloch, and canons, as well as 'the entire people and community of our country of Orkney, [with] what is called the communal seal and Henry Randall, lawman in our public and general session, [and] not without great maturity and ample deliberation'.⁵⁹

A final testament of the crown's appreciation of the office is King Christian I's clandestine correspondence with Orkney's lawman in the wake of Earl William I's unwarranted seizure of royal revenues from the isles in 1466. The letter, which has not survived, was recounted by the sixteenth-century Danish historian Arild Huitfeldt as follows:

Your good heart and mind toward us, that our annual rent of Orkney could be renewed yearly as is befitting, we note well, and that our good

59 DN 20, no. 833: '*tociusque populi et communitatis patrie nostre Orcadie. quod dicitur sigillum commune et Henrici Randale legiferi jn nostra publica et generali sessione, non sine magna maturitate et plena degestionem*'. The document opens with: 'We, Thomas, by the grace of God and the apostolic see, bishop of Orkney and Shetland, the canons of the cathedral church of St. Magnus, most glorious martyr, the lawman and other dignitaries, nobles, people and community of the same' (*Thomas dei et apostolice sedis gracia episcopus Orcadensis et Zetlandie. canonici ecclesie cathedralis sancti Magni martiris gloriosissimj. legifer ceterique procures nobiles, populus, ac communitas eiusdem*) (DN 20, no. 833). In this context, we may detect a notional detachment between the bishop and canons, on the one hand, and the lawman and community, officiated by the communal seal, on the other. The Scots translation of that work read: '*the seil of Bischop Thomas, and of the chanonis of the Chapture forsaidis, and of all the pepill and communities of the cuntre of Orchadie, quhilk is callit the commune seill, the seill of myne Henrie Randale, lawman, of Nicholaie Tullach myne, of Joanne Cragy myne arming, of Richard Fodrungame, lawrikmen, myne, of Alexander Sinclair myne, of Joanne Tod myne, of James Lask myne, of Alexander Broun myne, and of Angus Mangson myne, with certane seillis of otheris faythfull personis of the cuntre, till thir presentis ar to hangit*' (REO, no. 21). The inclusion of the other seals by eight other named men, and an unknown number of other men in the Scots, may reflect the need to emphasize the social standing of these men in the local context, a point that would have been superfluous in correspondence with the Norwegian crown.

will is in no way wanting; but you meet encroachment and opposition. We bid you immediately on receipt of this our letter to come to us, for we have to speak with you about something that should be discussed by word of mouth rather than in writing.⁶⁰

The king was at this point relying on the lawman, in addition to Orkney's bishop, William Tulloch, to restore royal authority and administration. Although the lawman's identity at that time is unknown, we might venture to assume that he, like his predecessors (and successors), was a member of the local, landowning elite.

6.3 Native and Foreign Custom

In an impassioned appeal to Queen Philippa in 1425, the community of Orkney demanded that no leader should ever introduce 'new law, customs or novel constitutions' (*noua iura consuetudines seu constitutiones nouellas quouismodo*) to their country.⁶¹ No doubt a response to David Menzies of Weem's meddling in the courts in previous years, the community apparently perceived a threat of legal change, whereby local laws, customs and constitutions would be supplanted by those brought over from Scotland. Huitfeldt argued that although 'Norwegian language and Norwegian law' (*Norske Maal oc Norske Ret*) were still used in fifteenth-century Orkney, the 'country was inhabited and filled primarily with Scots' who reduced the pertinence of Norwegian legal judgments.⁶² Donaldson has emphasized this point more recently, arguing that 'Norse law had been under threat even before 1468', and that the influx of Scots to Orkney made it far more susceptible to corruptions of established law than the comparatively isolated community of Shetland.⁶³ Without further evidence for the

60 *Historisk Bescriffuelse*, 158: 'Eders gode Hierte oc Sind imod oss, at vor Aarlige Rente aff Orckenør kunde oss Aarligen fornøyes, som tilbørligt er, formercke wi vel oc at intet fattis udi eders gode Vilie, men eder skeer der udi Indpass oc Modstand. Thi bede wi eder, at i strax anseendis dette vort Breff, begiffuer eder til oss, thi wi haffue at tale met eder, som mundlig bedre kand udrettis, end ved Scriffo uelfe'. Absalon Taranger posited that the unnamed lawman was John Cragy (Absalon Taranger, *Norges historie fremstillet for det norske folk*, vol. 3, Part 2, Christiania 1917, 139).

61 *DN* 6, no. 423.

62 *Historisk Bescriffuelse*, 158: 'Landet mest bebyggt oc opfyldt met Skotter'.

63 Gordon Donaldson, "Norse and Scottish Law in Shetland: the Background", *The Shetland Report. A Constitutional Study* 3, Edinburgh 1978, 186.

kinds of foreign laws that were presumably trickling across the border, Donaldson was unable to comment further on the character of the 'threat'.

Until recently, the *Complaint* has served as the main piece of evidence for studying Menzies' career in Orkney, and while it remains the most illuminating source from the period, it does not shed any light on the specific legal principles by which Menzies attempted to live and govern. His installation charter from 1423 does, however, contain reference to an individual covenant, the contents of which were until recently the stuff of some speculation.⁶⁴ In accepting his post, Menzies asserted his own prerequisite for accepting the terms: 'on condition, however, that I suffer no injury in my right and the agreement which I have and in which I hold with the father of the young lord, Junker William'.⁶⁵ The need for royal dispensation to uphold that agreement suggests that it was not a customary instrument in Norwegian legal tradition, but rather some product of foreign law.⁶⁶ Edward J. Cowan rediscovered the original agreement in 1983, although it has only recently been examined in detail. In his report, Cowan described it as 'letter of Henry Sinclair, earl of Orkney, appointing David Menzies tutor testamentary to his heirs, especially William, and naming Menzies governor of his men, lands, rents possessions and good in Orkney until his heirs attained their majority'.⁶⁷

The document provides the only clear example of foreign legal customs in Orkney and is thus the sole medium through which to examine the nature of the 'threat' discussed by Donaldson. Issued in Edinburgh on 11 December, 1416,

64 Clouston described Menzies as Earl Henry 11's 'commissioner and representative' (Clouston 1932, 242) while Thomson refers to him as that earl's 'manager and business partner' (Thomson 2008, 173). Clouston emphasizes the precarious ambiguity of Menzies' mandate (Clouston 1932, 242; cf. Imsen 2012, 10).

65 *DN* 2, no. 676: '*thoc mik vforsymedh j myn ræt oc deythingen som iek hauer oc wti sider meth then vnge herris juncker Willems father*'.

66 Without evidence of the agreement's contents, historians have speculated upon the nature of Menzies' commission. Clouston refers to Menzies as the earl's commissioner, representative, and chamberlain, noting that he 'had actually been left sole tutor to the young earl by his confiding father' (Clouston 1932, 241–42, 244). Clouston must have derived this insight from Alexander Nisbet, who in 1704 wrote, 'He [Menzies] married Marjory Sinclair, sister of Henry earl of Orkney and was by the Earl left sole tutor to William Sinclair his son and heir' (Alexander Nisbet, *A System of Heraldry, Speculative and Practical, with the True Art of Blazon, according to the Most Approved Heralds in Europe*, vol. 2, Edinburgh 1816, 245). This original document was presumed lost when Crawford wrote her dissertation in 1971 (Crawford 1971, 250).

67 Cowan 1983; Barbara E. Crawford, "Sinclair Family (per. 1280–c. 1500)", *Oxford Dictionary of National Biography*, Oxford 2004; idem 2013, 349; Thomson 2008, 174.

it is written entirely in Scots English and was drawn up using local, that is to say Scottish, conventions. Earl Henry II opens the letter:

*Be it knawin til al men be thir presentes lettres us Henry, erle of Orkynnay, lord the Sinclere and of Nyddisdale, til haf made, ordanyt and stablist, and be thir presents lettres makis, ordanys and stablisis, in oure liege pouste and prosperite, and of free wil and certain purpose, oure dere and lufyt bruthir in law Davyd Menzeis, lord of Vogirry, gif God almychty list til discesse us fra this warld, special tutoure testamentare of our sone and air, Williame Sinclere, and of al utheris male or famele that hapnis, he discessant, til us as air of Orkynnay til succeed.*⁶⁸

The office of ‘tutor testamentary’ is, to my knowledge, completely unknown from Norse sources, but it was a standard arrangement for custody in Scottish legal custom. *An Institute of the Law of Scotland* explains that the doctrine of tutorship applied to ‘he whom the father names tutor to the child, either by testament, or other writing which sufficiently indicates his will’.⁶⁹ By that token a father could claim exclusive rights to appoint his favoured candidate to care for his offspring after his death. Assuming he showed foresight in drawing up a testament of will, the father’s right of *pater potestas* and the tutorship arrangement made during his lifetime remained valid after his death. Thus the question of custody over a child was not readily open for debate by kinsmen or for the scrutiny and/or intervention of the public court.⁷⁰ Norse law, by contrast, did not endorse or presuppose the father’s rights to arrange for his children’s guardianship after his death in the same manner. According to the *National Law*, a child who had not yet reached full majority (twenty years old for males) was to come under the care of his nearest kin who was both to provide for the child and manage the child’s inheritance.⁷¹ If both natal parents were deceased or were otherwise incapable of fulfilling that role, guardianship should fall to the kinsman with the next closest degree of relation to the child.⁷² Thus, Norse law did not sustain a father’s absolute right to appoint the guardian who was to care for his child after his death. While fathers in reality no doubt made

68 *Monzie Papers*.

69 John Erskine, *An Institution of the Law of Scotland*, vol. 1, Edinburgh 1824, 163.

70 Grohse 2014a, 227–28.

71 *NgL* 1.2: 90. The law of the Gulaping does not specify an age of majority, but the law of the Frostaping specifies fifteen winters as the age of majority (*ibid.*, 168). See also Grohse 2014a, 221–22, 223–24.

72 *Ibid.*, 223.

preparations for their children prior to death, such arrangements would have been convenient but not legally binding. Guardians were forbidden from expanding or reducing the estate or its value and were expected to garnish four marks silver annually from the heritable assets to provide for the child's care.

In both arrangements, the Scottish and the Norse, guardians were to maintain the integrity of the estate and were barred from alienating, diminishing, or increasing it without providing the proper amount of financial interest. The checks for ensuring this, however, were different in the different legal traditions. In addition to the regular family audits, the public court was an important recourse in cases of dispute under Norwegian law. The *National Law* stipulated that upon reaching majority, a boy could demand an appraisal of his guardian's transactions regarding his property. If a dispute between the guardian and the young man arose, then the young man could bring a suit against the guardian before a court. The guardian was then bound to swear an oath declaring how much he had earned from the estate while it was under his care and reimburse the young man the full sum missing from his inheritance.⁷³ The legal recourse for ensuring that the tutors testamentary did not embezzle the estate of a child was less well defined under Scottish custom. As Erskine notes, 'it is sufficient that a testamentary tutor employ the same degree of care in his pupil's affairs that he does in his own; since he acts at the desire, and in obedience to the will of the deceased'.⁷⁴ In other words, the privileges and duties bestowed on the tutor by the father in his testament were to define the scope of the tutor's authority. If he were in possession of a testament, other factors of law could not infringe on the tutor's power.⁷⁵

Given this legal situation, one must look directly at the specific stipulations of Menzies' tutor testamentary charter to determine the full nature of his office. In addition to the more general designation 'tutor testamentary', Earl Henry II also appointed Menzies as:

73 *NgL* 1.2., 90–91.

74 Erskine 1824, 182.

75 Another type of tutor, the 'tutor legitim', was bound to much stricter standards than the tutors testamentary. These statutory tutors were appointed by the public court in cases where a deceased father had failed to nominate his own candidate by way of testament. Before assuming office, they were bound to draw up an inventory of the child's estate and to consult with the child's next of kin, each of whom received their own copies of the inventory (*ibid.*, 177–79). The participation of the child's kinsmen in such inventories is similar to that seen in the Norse model and was intended to check the tutor's embezzlement of the child's inheritance. Kinsmen would also ensure that the minor's person was properly cared for through education and the disbursement of annual rents needed for the child's subsistence (Grohse 2014a, 230).

special gouvernoure of alle thaire men, landis, rentis, possessions and muble gudis in Orkynnay, bait in the law and by the law, outil the said oure airis com til perfite elde and optene state and possession of al thair said heritage; the quhilk the said Davy is sworne on the hally evangille treuly til do, and therto til forthir thaim at al his lele pouer, and therto til gif thaim ful writ and reknying of al maner gudis thaim pertenant that meen time of thair youththede and tutourie, and therof fully to queitt and assitht thaim, but [without] fraude or gile or ony delay, as the instrument therapon made fullely purportis and contenys; and ther attour al maner thing til do and say, in jugement and out of jugement, touchand the tutourie of forsaid airis and governance of al thing langant or at may lang to thaim, that to the office of tutoure is seyn of law or of custume in ony wise to pertene.⁷⁶

His obligations were not strikingly different to those typical of a guardian under Norwegian law. He was to compile a full writ and reckoning of the heritable assets put under his care, which he was then to relinquish without corruption when the heir, William Sinclair, reached legal majority. However, as there was neither a prescript nor a known precedent for the tutor testamentary arrangement in Norwegian legal tradition, it is unclear how the earl expected such an arrangement to function in Orkney in practice. The closing lines of the charter stipulate that everything pertaining to Menzies' appointment should be honest 'in judgment and out of judgment' and 'seen to pertain of law or of custom'. As someone who is unlikely to have ever set foot on Orcadian soil, it is doubtful that the earl was familiar with the law and customs of that land. Moreover, the fact that the testament was drawn up in Edinburgh suggests that the law and custom to which he referred were Scottish law and custom, not Norwegian. This raises the question of whether the earl considered, or even concerned himself with, the compatibility of the two legal traditions.

Theoretical differences in Norse and Scots legal models for guardianship are unlikely to have incited popular opposition unless the manifestations of them infringed upon the rights of the peasants. This was perhaps the primary motivation of one member of the community, Thomas Sinclair. The son of David Sinclair, and the cousin of Earl Henry II, Thomas was young William Sinclair's second cousin, a degree of relation that was closer than that between William and Menzies.⁷⁷ Thomas not only championed William's cause as heir to the

⁷⁶ *Monzie Papers*.

⁷⁷ On Thomas' relation to William see Crawford 1971, 253; idem 2013, 351; Imsen 2012, 16. According to Norwegian algorithms of property devolution, this blood relationship

earldom of Orkney, but also accompanied the young Sinclair to Denmark as part of his campaign.⁷⁸ He was also Menzies' most ardent and outspoken opponent throughout the latter's time in the isles. Based on the evidence, Thomas appears to have assumed some of the managerial duties associated with an office of guardian, suggesting perhaps that he felt entitled to participate in the management of William's interests and estate while he was still in minority. Assuming he manoeuvred in accordance with the Norse legal model for guardianship, Thomas would have seen it prudent to invoke his claim to manage the minor's private estates and interests. If so, he would have regarded Menzies' authority, as derived from the Scottish custom, illegitimate and subject to contest.⁷⁹ Thomas appears to have invoked his right to audit Menzies when, it was reported,

Thomas Sinclair complained on behalf of the count [William], with full and legal commission from him, that the aforesaid David has collected out of the earl's rents here in the country as much property as amounts to £800 English, since his father died and a year before he died, besides much more that the earl intends to report for himself to our gracious lord, the king's grace.⁸⁰

Crawford assumes that the said 'rents' were derived from the earldom estates, the dues from which belonged theoretically to the king but could be collected by an earl or his agents as part of the royal grant.⁸¹ However, mention of the 'earl' in this context does not necessarily imply an association to the earldom or its associated revenues. The three main documents from the period – Henry II's testament from 1416, the *Complaint* from ca. 1425, and the Orcadians' letter to Queen Philippa from 1425 – refer to William's birthright as a means of underscoring his *presumed* right to royal confirmation, not necessarily as an allusion to his formal office.⁸² The rents in question may, therefore, pertain to

through the male line represented a closer kinship than that between Menzies and the young Sinclair, as the former was merely the latter's uncle by marriage (Nisbet 1816, 245; Crawford 1971, 251).

78 DN 2, no. 691.

79 Grohse 2014a, 235–36.

80 DN 2, no. 691: 'Thomos Sinklar kærde oppa greuans wæghna i hans fult oc laghlyghit ombud thet forde Dauid hauer opburit af jærlins lanskuld her i landit swa mykit gotz som løpir oppa viijc. pund engilsche sidan hans fadir døde oc j aar for han døde for vthan mykit meer thær jærlin menar siæluer berætta for war natighe herre konungins nad'.

81 Crawford 1971, 253.

82 Grohse 2014a, 235; Crawford 2013, 352, note 73.

William's private holdings, those being the 'lands, rents and possessions' referred to in the testament from 1416.⁸³ The Sinclairs' private holdings, which were augmented substantially in the late fourteenth and fifteenth centuries, provided a lucrative source of income and a potentially heated point of rivalry.⁸⁴ Furthermore, although Menzies' collection of rents fell under his main duties as William's tutor, Thomas Sinclair pointed out that he commenced collections 'a year before [Henry II] died', in other words before initiation of his guardianship, as a means of underscoring the illegitimacy of Menzies' economic enterprises. If controversies over the delegation of guardianship rights were rooted in the incongruence of Norwegian and Scottish laws, Menzies' pre-emptive collection of revenues was simply a breach of his contract with Henry II.

Menzies may have abided by Scottish custom by delaying William's reclamation of his assets. William apparently developed amicable relations with the members of Orkney's community in late adolescence and, in 1422, gained their support in his campaign to proclaim himself of age, terminate Menzies' commission as guardian, and pursue confirmation as earl of Orkney.⁸⁵ Recognizing that these efforts would deprive him of all authority over William's estates and assets, Menzies refused to allow William or any witnesses to travel to Norway, withholding the communal seal in order to prevent them from making official their formal petitions.⁸⁶ As is evident from Menzies' acknowledgement of his Norwegian grant from 1423, he apparently still viewed himself as the holder of a 'right and agreement' of tutorship over William a year later.⁸⁷ This was clearly unacceptable to both William and to his Orcadian constituents, and it may reflect differences in the definition of statutory majority in Norwegian and

83 *Monzies Papers: (air of Orkynnay til succeed)*; DN 2, no. 691: (*jærlin*); DN 6, no. 423 (*comes*).

84 According to Thomson, the Sinclair line of earls amassed considerable land and wealth through conquest in the late fourteenth and fifteenth centuries. He points out that 'the term "conquest" carried no connotations of forcible or illegal possession, but is a Scots legal term for land which had been acquired in the owner's lifetime, for example by purchase or gift' (Thomson 2008, 225). Conquest land associated with the Sinclair house in Orkney came to approximately 12% of the country, which was roughly equal to that of the lands held as a fief in the name of the Norwegian crown (*ibid.*, 226).

85 A complicated aspect of William's coming of age involved his candidacy for succession to the earldom. There is no evidence that Norway's late medieval kings ever conferred the title of earl on a minor candidate. Thus, in order for William to make his case before the king, he would have to have been free of Menzies' tutorship and in full control of his own assets. By Norwegian law, this could be done at twenty years of age.

86 DN 2, no. 691.

87 *Ibid.*, no. 676.

Scottish legal traditions, with the former defining men as *sui iuris* either one or five years earlier than in the latter.⁸⁸ However, as in the previous incident involving Menzies' misappropriation of rents, his campaign to block William's transition to adulthood may merely reflect his corruption, regardless of the legal standards by which he was scrutinized.

While opposition to Menzies' Scottish brand of tutorship can scarcely account for the popular resistance to his governance in Orkney, it highlights the potential influence of foreign legal customs along the frontier. The blame for these corruptions rests not only with Menzies, but also with the earl, Henry II, who demonstrated a degree of apathy toward the legitimacy of established law in the country over which he held nominal authority. While Henry II's installation charter has not survived (if it ever existed), one can assume that he, like other earls and administrators, was obligated to uphold the laws and customs of the country as a central tenet of his office. As someone who never personally cared for his Norse patrimony, one can confidently conclude that he hardly excelled in that duty.

The foreign nature of Menzies' grant of tutorship may have roused initial trepidations among those closest to the Sinclair house, but it was his corruption with respect to the public courts and the local population that truly alienated him from the Orcadian community. Clouston attributes this to his unshakable character as a Scot, a race poorly suited for peaceful integration and just governance.⁸⁹ He alludes to a broader polarization of Norse and Scottish customs by suggesting that Menzies' misrule was rooted in his fallacious self-image as a Scottish sheriff:

To judge by his acts, he would appear to have been equipped, or considered himself equipped, with much the same authority as a Scottish sheriff, plus his powers as the earl's chamberlain; and he used this authority

88 Earl Henry II's testament does not specify what the 'perfect age' should be. We can presume, given that the testament was drawn up in Scotland, that Henry expected his son to reach the legal age of majority as was customary in that kingdom. Erskine notes that 'minority begins where popularity ends, and continues till majority; which is, by our law, the age of twenty-one, both in males and females', Erskine 1824, 163. It is also possible that in devising his testament Henry expected Menzies' tutorship to extend until William reached the age of 25. Medieval Roman jurists often stipulated this as the age at which men transcended 'adolescentia', reached 'inventus' and freed themselves from all constraints of guardianship. In theory, this was a prerequisite for achieving a prominent position in both canonical and civic spheres (see e.g. Deborah Youngs, *The Life Cycle in Western Europe, c. 1300–1500*, Manchester 2006: 127–28). See also Grohse 2014a, 231–32.

89 Clouston 1932, 242–43.

quite regardless of whether it accorded with the Norse law and the customs of the country. Whatever form of tyranny was profitable, that form he is found consistently practicing.⁹⁰

Clouston was notably vague about the 'authority' Menzies presumed inherent to the office of sheriff. It is unclear whether he meant to imply that Menzies was culpable of over-exerting the authority typically associated with a Scottish sheriff or that the office itself was inherently overbearing. On the whole, Clouston demeaned the Scottish systems of governance, land-holding, management, and justice. Hardly discerning in his condemnation, he suggests that corruption was a trait which not only applied to individuals, but was also an innate characteristic of agents and agencies of Scottish ilk:

The qualities which have made Scotsmen, as the story related, "heads of departments" in every land in which they have settled, were developed by a very severe species of competition. In bygone centuries the other competitors were also Scotsmen, and the noblemen and gentlemen who held their own were not as a rule those who were handicapped by a tendency to be over-scrupulous. But there can be scarcely have been many so thoroughly qualified for penal servitude as David Menzies of Weem.⁹¹

Admitting that Menzies' was an extreme case, Clouston presumed that his nationality and background as a 'department head' or estate manager in Scotland (positions for which there is no hard evidence that he held) predisposed him to guile and corruption. Historians since Clouston have prudently avoided such condemnatory generalizations. In explaining his actions, Thomson describes Menzies as 'a rapacious steward who had little regard for the limitations which Orkney and Norwegian law placed on his management of the earldom'.⁹² From this perspective, it was personal greed which outweighed Menzies' sense of duty to his office, not necessarily his preference for Scottish rules of governance. For both authors, however, native laws stand out as the counterbalance to foreign lawlessness and degeneracy. For Clouston, the dichotomy between law-biding and law-breaking corresponded one-to-one with the struggle between Norse and Scottish brands of governance, whereby the term 'sheriff' carried with it innately pejorative connotations.

⁹⁰ Ibid., 242.

⁹¹ Ibid.

⁹² Thomson 2008, 173.

Was there anything identifiably Scottish about Menzies' heavy-handed form of governance in Orkney? The list of transgressions is long and include, among other things, oppressing the public courts, imprisoning and replacing Orkney's lawman, stealing the communal seal and forging public letters, violently arresting and fining dozens of Orcadians, manipulating weights and measures, and confiscating goods for export.⁹³ All these things, we are led to believe, fell under the mantle of Scottish sheriffs, who were not handicapped by scruples. Clouston's emotive depictions proliferate a popular scepticism to the office of sheriff as known in British tradition, on the one hand, and a stereotype of Scots as opportunists and mercenaries in the early modern era, on the other.⁹⁴ Putting aside the baseless theory of the Scots' natural opportunism, we should consider whether Scottish custom indeed granted to officials the kinds of powers assumed by Menzies in Orkney. Contrary to Clouston's suggestion, the judicial authority of a Scottish sheriff was hardly unbridled, but rather was compliant to the judgment of higher courts, whereby serious or controversial offences were deferred to the royal justiciar.⁹⁵ Even at the local level, sheriff courts were not autocratic institutions. Litigation involved outstanding members of the local community, typically the king's tenants, be they knights or other freeholders.⁹⁶ One finds parallels between the lawrightmen of a Norse lawthing, who were derived almost exclusively from the pool of 'good men of the country', and the members of the Scottish sheriff court assizes, touted as the 'good and experienced men of the country' or the 'oldest and most trustworthy men

93 *DN* 2, no. 691. For a full survey of his transgressions see Thomson 2008, 173–79; Imsen 2012, 12–17.

94 For Scottish mercenaries see e.g. Steven Murdoch and Andrew MacKillop (eds.), *Fighting and Identity. Scottish Military Experience c. 1500–1900*, Leiden 2002; James Miller, *Swords for Hire. The Scottish Mercenary*, Edinburgh 2007.

95 In Scotland, local judicial authority was delegated by the crown within what Jackson Armstrong recently termed 'the integrated pyramid of courts that comprised the judicial system' (Jackson W. Armstrong, "The Justice Ayre in the Border Sheriffdoms, 1493–1498", *Scottish Historical Review* 92, 2013, 9). The justiciar's court was the highest instance of justice, and superseded the sheriff's courts with their more limited jurisdiction. For a general overview of the Scottish judicial system see e.g. Geoffrey W.S. Barrow, *The Kingdom of the Scots: Government, Church and Society from the Eleventh to the Fourteenth Century*, Edinburgh 2003, 57–111; Alexander Grant, "Franchises North of the Border: Baronies and Regalities in Medieval Scotland", in Michael Prestwich (ed.), *Liberties and Identities in Medieval British Isles*, Woodbridge 2008, 155–99; Hector L. MacQueen, *Common Law and Feudal Society in Medieval Scotland*, Edinburgh 1993; Andrew M. Godfrey, *Civil Justice in Renaissance Scotland. The Origins of Central Court*, Leiden 2009, 18–23; Katie Stevenson, *Power and Propaganda. Scotland 1306–1488*, Edinburgh 2014, 93–96.

96 *Ibid.*, 93.

of the neighbourhood'.⁹⁷ However high their standing, members of the assize in Scotland were, like their Norwegian and Norse legal counterparts, representatives of the vicinity, who fostered solidarity through the cooperative practice of law as it concerned their neighbours and neighbourhood.⁹⁸ Just as the Norse lawthing was the focal point of public life, sheriff courts in Scotland provided forums for discourse and cooperation among landowners and prominent tenants. Michael Brown observes that shared obligations at court, where families oversaw the transaction of local land, witnessed marriages and collectively judged their peers, engendered a 'sense of community which was obviously strengthened by physical proximity'.⁹⁹ The rash introduction of foreigners or communal outsiders into sheriff courts, such as what occurred with Menzies in Orkney, would be no more tolerable to the spirit of Scottish custom than it was in Norway or the Norse tributary countries.¹⁰⁰

The most notable difference between the two traditions, it seems, is the sheriff's authority in orchestrating court proceedings. The duties ascribed to the *sýslumaðr*, the Norse counterpart to the sheriff, in individual cases were theoretically limited to the initial arraignment and eventual punishment of litigants, with judgments being passed by sheriffs only in exceptional cases. Scottish sheriffs customarily presided over and advised the assize, which, according to William Forsyth, 'seems to have been closely analogous to the

97 Michael Brown, *The Wars of Scotland: 1214–1371*. Edinburgh 2004, 97; Geoffrey W.S. Barrow, *Scotland and Its Neighbours in the Middle Ages*, London 1992, 188. Assizes of the sheriff courts should not be mistaken for popular juries; rather, they were more narrowly sourced juries *per pares*, comprising suitors at court holding a similar social standing as the claimants and the accused. See e.g. William Forsyth, *History of Trial by Jury*, London 1852, 302; Barrow 1992, 218.

98 Brown 2004, 96.

99 *Ibid.*, 97.

100 That is not to say that none wielded power with a heavy hand or that sheriffs were always at one with the communities under their local jurisdiction. King Edward I of England's hostile occupation of Scottish sheriffdoms in the late thirteenth century certainly gave rise to some dramatic exceptions in which unwelcome foreigners enforced English policies at court with just such a heavy hand. See e.g. Foster J. Watson, "Settling the Stalemate: Edward I's Peace in Scotland, 1303–1305", in Michael Prestwich, Richard Britnell and Robin Frame (eds.), *Thirteenth Century England VI, Proceedings of the Durham Conference 1995*, Woodbridge 1997, 129–30. However, Edward I's exceptional measures were prompted by extraordinary circumstances arising from that king's feverish imposition of overlordship in Scotland. Richard Gorski has demonstrated, for instance, that even the sheriffdoms in fourteenth-century England were typically headed by local men with landed interests, and only rarely by unwelcome outsiders (Richard Gorski, *The Fourteenth Century Sheriff. English Local Administration in the Late Middle Age*, Woodbridge 2003, 78–81.

lawman of the Swedish and Norwegian tribunal they were to 'inform the suitors and, if ignorant of the law, give them interlocutors or decrees'.¹⁰¹ Menzies may have conflated his authority with regards to the courts, detaining Orkney's lawman before seizing the lawbook and communal seal and appointing another lawman who 'reluctantly' (*nødhog*) accepted the post.¹⁰² However, his attempt to feign abidance to Norwegian law through the appointment of his own lawman also suggests that he was aware that sheriffs commanded no legitimate authority in regular judicial proceedings.

Historians have overemphasized the foundational differences between the Norse and Scottish judicial systems, particularly Clouston, who painted the former's lawthing as a tight-knit, local organization charged with the promotion of justice and betterment of the peasantry, and the latter's sheriff courts as despotic regimes serving the unilateral interests of individual principals. If the differences were more pronounced to the communities they affected than they appear presently, we should still question the validity of Clouston's pejorative appraisals. Orcadians' aversion toward foreign law, customs and constitutions was not necessarily driven by a calculated assessment of the different laws' advantages and disadvantages, but could grow from a general resistance to change, particularly with respect to law, the foundational element in corporative identity construction.

Orcadians strove for a restoration of law and governance in the months and years following Menzies' departure from the frontier in or around 1423. In their report to Queen Philippa from 1425, communal leaders reveal their authority in the reconstruction efforts, particularly with regard to their achievement of a resolution between the two rival aspirants to governance, Bishop Thomas Tulloch and William Sinclair. According to the composers of that text, the governors 'through our intervention and advice were wholly reconciled with regard to all and sundry acts'.¹⁰³ There are notable parallels between the communal arbitration witnessed here, and those recorded in the *Complaint* between Thomas Sinclair and Menzies and in the 1369 settlement between Bishop William IV and Hákon Jonsson.¹⁰⁴ Although we do not know exactly how the 'intervention' in 1425 transpired, the community's outspoken desire to

101 Forsyth 1852, 302–03.

102 *DN* 2, no. 691.

103 *DN* 6, no. 423: '*per nostram interuencionem et consilium omnibus et singulis prius actis inter eosdem sane concordatis remissis et plenius indultis*'. As noted previously, the 'acts' (*indultis*) are not specified, although they are alluded to when the people speak of a 'discords and sundry controversies' (*discordijs et diuersis controuersie*) (*ibid.*).

104 *DN* 2, no. 691; *DN* 1, no. 404.

abide by 'law and justice' in the following years tempts us to speculate that it involved a structured arbitration hearing, presided over by a fixed number of communal representatives (e.g. twenty-four), in accordance with Norwegian law and Orcadian custom.¹⁰⁵ This desire to reinvigorate their cherished legal system is expressed in the letter in patently nativist terms:

And likewise, we, the servants of your most noble dignity, have been very often unjustly overborne by foreigners who have been appointed governors in our affairs, sustaining innumerable losses, indignities, and shame wherefore we with our most humble prayers earnestly entreat your exalted nobility that you would deign favourably and graciously to respond to us concerning those and all and sundry other things which our aforesaid messengers shall declare to your serene Highness, carefully returning those things which seem more useful or necessary for the maintenance of our community and which you particularly instruct in your said letters to be strictly observed, so that no judge or governor among us shall presume to introduce any new laws, customs, or novel constitutions whatsoever, but that they shall be irrefragably bound to observe the ancient laws approved by his Highness, King Olav, and the ancient constitutions and customs, as well as the royal letters sent to us which are commonly called among us the letters of law or rectitude, or corrective letters.¹⁰⁶

Orcadians apparently perceived a correlation between foreign rule and injustice. Although they omit any names, given the recent political context, there

105 The arbitration hearing between Menzies and Thomas Sinclair involved ten named 'good-men' along with 'many other good-men of the country' (DN 2, no. 691), while the arbitration hearing in 1369 involved twenty-four named men who belonged to the 'noblest' men from Orkney and Shetland (DN 1, no. 404).

106 DN 6, no. 423: '*ac eciam nos vestre generosissime dignitatis famuli sepiissime per alienigenas in nostros gubernatores constitutos fuimus nimisiuste suppressi dampna innumera contumelias et obprobria sustinentes. Quapropter instantissime vestram precelsam nobilitatem precibus humilimis deprecamur, quatinus super hijs et alijs omnibus et singulis que vestre serenissime dignitati nostri supradicti nuncij declarauerint. nobis fauorabiliter et graciose dignemini respondere ea que magis vtilia siue necessaria ad nostre comunitatis sustentacionem videntur sollicitate rescribentes, et precipue in vstris eisdem literis stricte precipiendo mandetis. quatinus nullus inter nos iudex seu gubernator aliqua noua iura consuetudines seu constitutiones nouellas quouismodo inducer presumat sed iura antiqua serenissimi regis Olauī approbate constitutiones et consuetudines antique necnon litere regales nobis misse que wlgō litere iuris aut rectitudinis aut correctiue dicuntur inter nos irrifragabiliter teneantur*'. Cf. REO, no. 19.

can be little doubt that David Menzies was foremost among the aliens (*alienigenas*) to whom they referred. At first glance, it is tempting to view this as a broad rejection of Scots in positions of authority. However, the letter also underscores the Orcadians heartfelt support of William Sinclair, a young man with obvious Scottish associations, as earl and the governor of the country. Imploring the queen 'to appoint our earl and no other as our governor', the people claim that William came of 'an illustrious, ancient and noble stock and family, so [that] he is our true, lawful and naturally-born earl and stands as [the] most acceptable and [the] full debtor for all and sundry things which are known to pertain to our said lord the king in our parts of Orkney'.¹⁰⁷ Despite spending some of his formative years in the isles, both William's father, Earl Henry II, and mother, Egidia Douglas, were members of the Scottish nobility who may have never personally ventured north of the frontier. Although it is improbable that William was 'native' to Orkney by way of physical birth, he was regarded by the community as a 'true, lawful and naturally-born' Orcadian by virtue of his land, lineage and personal popularity in the isles. Judging by the accounts in the *Complaint*, William and his associates acted in accordance with Orcadian custom, seeking out the confirmation of 'good-men' and petitioning the compilation of scripts officiated under the communal seal. His apparent respect for the authority of the community and its legal instruments garnered the community's trust and esteem, and provided a sharp contrast to his tutor, Menzies, whose rejection of law marked him out as alien. Thus, there was a correlation between law-abidance and naturalization that transcended what Clouston suggested were inherently and reflexively xenophobic tendencies among Orkney's native elite.

If the Orcadians' aforementioned appeal to preserve law allows insights into the modalities of communal integration, it is also crucial for understanding the character of Norwegian authority on the frontier. Their letter was issued in response to the queen's inquiry into current affairs in the region, and emphasizes the community's subservience and loyalty to the Norwegian crown throughout the text. Most importantly, it exalts the authority of three brands of royally-sanctioned legislation: first, the 'ancient laws approved by his Highness, King Olav'; second, the 'ancient constitutions and customs'; and third, the 'royal letters sent to us which are commonly called among us the letters of law of rectitude, or corrective letters'. The statement suggests that both Norwegian law

107 DN 6, no. 423: '*noster comes et nullus alius in nostrum statuatur gubernatorem [...] illustri prosapia antiqua et nobili parentela ipse noster verus legitimus et naturaliter progenitus sit comes. acceptissimus plenissimusque debitor exstat pro omnibus et singulis que dicto domino nostro regi in nostris uidentur partibus Orkadie pertinere*'. Cf. REO, no. 19.

and Orcadian custom were valid in Orkney. In the first instance, the people appear to be speaking of Norwegian law, that is to say, King Magnus VI's *National Law*, as it was approved by the young King Olav IV upon or in preparation of his acclamation as king.¹⁰⁸ In the second, they referred their own Orcadian laws and customs which were presumably amended to the *National Law* during the process of promulgation in the late thirteenth century.¹⁰⁹ Finally, in the third, they spoke of royal amendments, or letters of rectitude, which were known as '*réttarbætur*', the special legislation of kings, as sanctioned in the *National Law*, or as '*skipan*', royal ordinances issued in the later thirteenth and fourteenth centuries.¹¹⁰ According to Imsen, if the models for communal self-governance presented in the *National Law* facilitated the advancement of high-standing peasants at a local level, then the statutory legislation of Kings Eric II and Hákon V aimed at anchoring the peasant commune within the wider community of the realm as a legislative and administrative polity while demonstrating the crown's intimate relationship to the peasantry and the importance of the latter for contemporary concepts of Norwegian statehood.¹¹¹ Orkney's identity as a legal community was composed of all three elements of law, two of which were established – as a comprehensive law of the realm and the more focused local set of customs – and one which allowed for legal growth and adaptation. This demonstrated both the conservatism and the flexibility of the Orcadians' outlook on law and communal identity. At the same time, it reiterated the exalted status of the Norwegian crown, which, despite fielding critique for its imprudent appointment of unsuitable governors, was still appreciated as the purveyor of the law and forms of justice accepted by the local population. All these things, the letter claims, were deemed 'useful or necessary for the maintenance of our community'.¹¹²

108 Mention of that king appears, at least initially, as an invocation of Norway's legendary lawgiver, King Olav II, whom contemporaries in Norway and other Norse tributary countries frequently referenced during inquests and disputes with authorities (Imsen 2012, 21). However, the fact that the people did not use the labels 'holy' or 'saint' suggests instead that they were referring to a more contemporary, worldly Olav, most likely the late King Olav IV whose mother, Queen Margaret, had declared an oath on her young son's behalf in 1376 that all of the king's dominions should continue to enjoy the same old laws, rights, and privileges that they had under his forbear, King Hákon VI (*RN* 7, no. 568).

109 *DN* 6, no. 423.

110 Imsen 1990, 30–33. Although the terminology is sometimes inconsistent, amendments generally pertained to the adjustments of or augmentations to King Magnus VI's *National Law* and *Urban Law*, while ordinances were regulations pertaining to civic administration.

111 *Ibid.*, 32.

112 *DN* 6, no. 423: '*vtilia siue necessaria ad nostre comunitatis sustentacionem*'.

6.4 Legal Conservation

Norwegian law and Orcadian custom weathered the political upheavals which followed in the wake of the isles' impignoration in 1468. In his seminal study of peasant communalism in Norse societies, Steinar Imsen examined law and governance in the Northern Isles within a protracted timeframe extending roughly eighty years beyond the impignorations of the isles to Scotland, explaining that 'public life in Shetland and Orkney bears an unmistakable Norwegian or Norse imprint even two generations after the islands had been pledged to the Scottish crown'.¹¹³ Given law's potency as a mechanism for political control, this preservation would suggest that a central feature of frontier life, and a crucial bulwark of Norwegian rule, had scarcely buckled under Scottish influence in the fourteenth and fifteenth centuries, and were thus still intact when the isles were pledged to Scotland.¹¹⁴ Because Orkney and Shetland were never formally transferred or sold to Scotland, but were merely pledged with the possibility of reclamation by the Norwegian crown, the impignoration documents contain no explicit reference to planned amendments to the local legal systems.¹¹⁵ This is in contrast to the clause from the Treaty of Perth which stipulated that the

113 Imsen 1994, 257.

114 Much of the terminology and titles are the same as those in contemporary judiciaries in Norway, and Imsen indicates that 'we still find lawmen, lawrightmen, lawthings, local things and local commissions seemingly uncorrupted by Scottish influence, about 1540', adding, however, that the provincial communes were not 'carbon copies of the mainland [Norwegian] pattern' (ibid.). In contrast to their colleagues in Norway who acted first and foremost as judges well into the sixteenth century, the lawmen of Orkney and Shetland made the transition into communal representatives, spokesmen, and servants. Their affiliations to their communities were also stronger than those of Norwegian lawmen. Lawmen in the provinces were typically locals who were first elected at the lawthing by the lawrightmen before being confirmed to office by royal appointment. Imsen cites a Shetland document from 1532 in which Niels Thomson was elected to 'the office of lawman-general of all Yetland [...] under the common seal of Yetlande' and suggested that similar elections also occurred in Orkney, although not in Norway (ibid., 263). Despite discrepancies in the position of lawmen in the Northern Isles and their counterparts in mainland Norway, the 'provincial communes' were derived from the models found in the *National Law* and bore a resemblance to court and communal organizations in the other tributary provinces of the realm. The proliferation of the old laws enabled the inhabitants to occasionally appeal to Bergen for confirmation of its degrees or cite the old lawbooks in appeals to the Privy Council, a practice that Jane Ryder equates with modern Scottish litigants using Scottish statutes before the British House of Lords (Jane Ryder, 'Udal Law: An Introduction', *Northern Studies* 25, 1988, 4).

115 *NgL* 2.2., nos. 115, 116.

inhabitants of the Western Isles should henceforth be 'subject to the laws and customs of the kingdom of Scotland'.¹¹⁶

The continuation of a Norse system of legal procedure after 1468/69 was not merely a practical phenomenon born of the Scottish crown's neglect or inability to enforce its own laws. Rather, governmental leaders in Edinburgh initially tolerated the conservation of Norse legal traditions in the north.¹¹⁷ Norse law continued to be tolerated in Edinburgh until it was finally abolished by an act of the Privy Council on 22 March, 1611, where it was stipulated that governors within

the boundis of Orknay and Yetland has thir divers yeirs bygane, meist unlauchfully tane upon them, for their own private gain and commidty, to judge the inhabitants of the said countries by foreyne lawis, making use sometimes of forezne lawis, and sometimes of the proper lawis of this kingdom.¹¹⁸

In Donaldson's view, the act reflected King James VI's policy 'to make the whole of Scotland a unified country, obedient to him and to a uniform law', an effort that mirrored those of King Magnus VI and his successors with respect to the realm of Norway in the late thirteenth and fourteenth centuries.¹¹⁹ Knut Robberstad suggested that the reform was necessary, given the revision of Norway's laws under King Christian IV in 1604.¹²⁰ Whereas the isles

¹¹⁶ DN 8, no. 9: '*subjaceant legibus consuetudinibus regni Scotie*'.

¹¹⁷ The future of Norse law in Orkney and Shetland was initially in peril in 1503 when the Scottish parliament passed an act abolishing all foreign laws and judicial procedures that were in any way incompatible with the common law of the kingdom: '*That all our soverane lordis liegis, bath within Orknay, Scheteland and the Ilis, be reulit be our soverane lordis aune lawis and the common lawis of the realme and be nain other lawis*' (Donaldson 1984, 26). This clause was subsequently expanded, although vaguely, to include '*other placis*' (ibid.). However, this rule was soon reversed, and replaced with a statement saying that '*all our soverane lordis liegis be and under his obeisance and in speciale all the Ilis*' (ibid.). As Donaldson explains, '*Ilis*' referred specifically and exclusively to the Western Isles, meaning that while Scottish law was to apply there, it was not intended for either Orkney or Shetland (ibid.). The issue was taken up again in 1567 when parliament debated '*Quhidder Orknay and Yetland sal be subject to the commone law of this realme or if thai sal bruke thair aune lawis*', from which it was determined that '*that thai aucht to be subject to their aune lawis*' (Peterkin 1822, 107).

¹¹⁸ Ibid., 63. Cf. Donaldson 1978, 192, 197.

¹¹⁹ Idem 1984, 33–34.

¹²⁰ Robberstad 1983, 58. Cf. Donaldson 1978, 191; Ryder 1988, 6. Robberstad adds that the 1611 Act was potentially designed to block King Christian IV's new laws from being imported

could previously look to Norway as a model for their own judicial practices, the reforms alienated the isles from Scandinavia, making it difficult 'either to adhere to the now superseded older code or to accept a new code at the hands of someone [King Christian IV] now regarded as a foreign king'.¹²¹

Yet the legislative reforms of 1611 also normatively confirmed the practical dissolution of Norwegian law and Orcadian custom under the Stewart earls of Orkney in the late sixteenth century.¹²² Earl Patrick I's confiscation of the lawbook and communal seal (an act remarkably similar to that of David Menzies in the 1420s) marked the beginning of the end of Norse law and foreshadowed the implementation of what Balfour views as a less prudent form of justice in Scotland. In none too restrained terms, he describes Patrick's legal practices as a 'perversion of justice', which eventually 'gave the Scottish Crown an excuse for abrogating the Laws of Orkney'.¹²³ In an emotive style, he laments the slow death of the Norse legal system:

The Things, though formally abolished by Cromwell and the submissive Convention, still continued at times to haunt their ancient Dom-rims, but their power and spirit had vanished with the laws which gave them life. The Thing was a mere Jury of Inquest, their Lawman a Sheriff, their Underfoud a Ballie; and strange to say, what may be called the last ghost of a Thing was (1691) called into a vampire existence, to give with its expiring breath the shadow of a sanction to the fraudulent Weights and Measures, against which its Odal fathers had protested.¹²⁴

Clouston points to an earlier event, King James V's personal visit to the isles and the appointment of a sheriff in 1540, as a 'landmark' in the dissolution of Norse law. Referring in a subtly censorious manner to decrees of court after that visit, Clouston notes:

No longer do we read of lawthings and lawmen and roithmen, but only of sheriff courts, sheriffs and the assize, just as in any Scottish country

to the isles from Bergen or Copenhagen (Robbertsad 1983, 58). Ryder assumes that the gradual feudalization of the isles (see below) would have hindered the implementation of the new Scandinavian laws (Ryder 1988, 6).

121 Donaldson 1984, 34.

122 Ryder 1988, 6.

123 *Oppressions*, xxi.

124 *Ibid.*, xxii.

[...] Henceforward one observes on all sides a rapidly quickening process of Scottification; the appearance of feu charters and the names of new Scottish feuers, a foreign complexity in the wording of odal charters, and various records of sinister and destructive happenings.¹²⁵

For both Balfour and Clouston, the loss of Norse law was a shame, a crime even, which replaced the 'odal rights' of times immemorial with the 'feudal wrongs' of the Scottish era. Their appraisals of that change are beyond the scope of this investigation, but their arguments serve to underscore that the most tangible changes to public life occurred with the introduction of new feudal arrangements which displaced the traditional rights of the local inhabitants. Norse law had laid the precepts for the practice of allodial landholding, and the lawthings, with the landowning lawrightmen as members of the tribune, was the instrument for enforcing those rights. The sheriff courts introduced in the mid-sixteenth century, by contrast, were intended to cater to the new class of feudal landholders who inevitably displaced the lawthings and the old regime of landowning aristocrats who conducted it.

However, in reviewing these latter events, we also shed light on the most common misreading of medieval Orcadian history. Projecting morals derived from controversies in the late sixteenth and seventeenth centuries (for which the documental evidence is both rich and forthcoming) onto the controversies that transpired two centuries prior (which are poorly documented and demand more careful scrutiny) provides us with handy, but also anachronistic and jaundiced picture of frontier society in the late medieval period. After nearly a century of Scottish rule, Norwegian law and Orcadian custom remained largely intact, and would only be chipped away by over half a century of despotic rule under the Stewart earls. If anything, the initial retention of Norse traditions in the wake of 1468 suggests that the Scottish crown and its adherents had no pre-conceived strategies for 'Scottification' of the Orcadian community. By that same token, Scottish immigration had no palpable effect on the strength of Norwegian law or Orcadian custom, suggesting that newcomers adapted to local law more readily than they corrupted it.

125 *REO*, xlix. The 'roithmen' of early modern Orkney corresponded to the 'lawrightmen' of the Middle Ages (*ibid.*, lxxiv). James V replaced the old lawthing courts and the office of lawman with sheriff-courts in 1541, a change which forced peasants to acquiesce power in public life to the sheriffs' supporters and tacksmen (Imsen 1999, 59; *REO*, li, liii, lxxxv; Clouston 1924/25, 18).

6.5 Conclusion

Norway's success as regional superpower in the central and late Middle Ages was an exceptional achievement of peace. The distinctiveness and strength of Norway's strategies for peaceful political expansion are perhaps most palpable when viewed in juxtaposition with the militarism of political expansion in Britain and continental Europe. While the imposing armies of Anglo-Norman rulers fell upon the neighbouring communities of Wales and Scotland with full force in the late thirteenth and fourteenth centuries, seeking domination through conquest, Norway's rulers dispatched legal experts and lawbooks to the island communities under their mantle. If traces of militancy still lingered in King Hákon IV's strategies in the North Atlantic, they were conclusively abandoned by his successor, Magnus VI. The introduction of common legislation presented an advantage in this respect. Whereas rulers could not employ military forces practically to compel submission by distant communities on a regular or consistent basis, the cultivation of common legal institutions under the auspices of Norway's monarchy lent royal authority a sense of omnipresence and permanence. The model for communal organization, with its nexus in the lawthing, made peasants shareholders in the legal system, encouraging them to embrace litigation as an exercise of communalism and an expression of identity. This not only encouraged their loyalty to the laws themselves, it also imbued in them a sense of devotion to the Norwegian crown which affirmed its authority in the hearts and minds of its constituents who articulated and rearticulated the crown's authority by repeating the dictums expressed in legal texts, and applied the illustrations emblazoned on communal insignia.

This invites us to return to Barth's tri-part model of identity and question how law played into and bridged micro, medial and macro identities along the frontier. First, as the basic formula for law was universal, rather than interpersonal, it superseded elements of micro-identity, which are the most impermanent and susceptible to change. Individual Orcadians, regardless of their station, were beholden to law and were thus compelled to identify with it. On the flip-side, law was central to the cultivation of Orkney's medial identity insofar as it legitimized the peasant commune and country as a corporative judicial and executive body – the '*Communitas Orkadensis*'. Finally, law's dividends for the Norwegian crown could be measured in its ability to integrate Orcadians into the macro-identity of the realm. In theory, adherence to Norwegian law and the legislative and judicial authority of the Norwegian king narrowed the latitude for introducing new or foreign customs which might alienate the commune from the crown in Scandinavia. And this

happened in practice. Ocardians' devotion to Norway's legal authority not only weathered the domestic turmoil of the early- and mid-fifteenth century, it also endured the transfer of royal authority in 1468. For nearly a century thereafter, Norwegian law remained an ideological causeway between Orkney and Scandinavia.

Foreigners and Countrymen

Writing not long after the period in focus, the French jurist and humanist Claude de Seyssel (1450–1520) stated that ‘all nations and reasonable men prefer to be governed by men of their own country and nation, who know their habits, laws and customs and share the same language and lifestyle as them, than by foreigners’.¹ Although surely unbeknownst to him, his sentiments echoed some of those articulated by Orcadians half a century earlier, when they spoke of the ills of foreign rule and proposed that ‘no judge or governor among us shall presume to introduce any new laws, customs, or novel constitutions whatsoever’.² Yet, Seyssel’s thesis on nativism also assumes an association between identity (both local and national), culture (e.g. language and lifestyle), and governance (e.g. habits, laws and customs) that is not readily apparent in

- 1 Rebecca Ard Boone, *War, Domination and the Monarchy of France. Claude de Seyssel and the Language of Politics in the Renaissance*, Leiden 2007, 162; Claude de Seyssel, *La Monarchie de France et deux autres fragments politiques*, ed. Jacques Poujol, Paris 1961, 218: ‘Car toutes nations et gens raisonnables aiment mieux être gouvernés par ceux de leur pays et de la nation mêmes (qui connaissent leurs mœurs, lois et coutumes et ont le même langage et manière de vivre comme eux) que par étrangers’. Seyssel also bemoans the rule of foreign monarchs, explaining that when a crown falls into the matrilineal line, ‘it can come into the power of a foreigner, a pernicious and dangerous thing, since a ruler from a foreign nation is of a different rearing and condition, of different customs, different language, and a different way of life from the man of the lands he comes to rule. He ordinarily, therefore, wishes to advance those of his nation’ (*elle peult venir n pouvoir d’homme d’estrane nation, qui est chose pernicieuse & dangereuse: pourtant que celui qui vient d’estrane nation, est d’autre nourriture & condition, & a autres meurs, autre langage, & autre façon de viure, que ceulx du país ou il vient dominer, & si vault communement auancer ceulx de sa nation*) (Claude de Seyssel, *The Monarchy of France*, trans. J.H. Hexter and Michael Sherman, ed. Donald R. Kelley, New Haven 1981, 48–9; Claude de Seyssel, *Grand Monarchie de France*, Paris 1541, Ch. 7). These concerns were evident in mainland Norway in the mid-fifteenth century. In 1449, the people of Agder wrote to a knight and the castellan of Tunsberg, Eric Sæmundsson, explaining that the ‘improverished Norwegians’ (*fatike Nordmen*) would suffer under, and thus resist a ‘German and Danish king’ (*Tydzskæ oc Danske konnungen*) (*DN* 9, no. 308). See e.g. Opsahl 2009; idem, “Nasjonal identitet i middelalderen: Båhuslän som del av et norsk nasjonalt felleskap i middelalderen”, in Helene Carlsson (ed.), *Bohuslän som gränslandskap. Före och efter Roskildefreden. Bohusläns museum Rapport 2012:47*, Uddevalla 2013, 11–22.
- 2 *DN* 6, no. 423: ‘nullus inter nos iudex seu gubernator aliqua noua iura consuetudines seu constitutiones nouellas quouismodo inducer presumat’.

Orcadian discourse. There is no evidence that inhabitants differentiated themselves from outsiders based on language or lifestyle, although such criteria were no doubt significant for the construction and distinction of domestic and foreign constituencies in other parts of medieval Europe.³

As we have seen in the previous chapter, law provided reference points for social organization and communal identity. By the same token, the population's devotion to law also engendered loyalties both to the local community, as the medium for justice and social order, and to the Norwegian king, as a patron and protector of their legal system. Thus, law cinched the loyalties of peasants to their locality and across the sea to their lords in Norway. By that token, deviations from the established legal models threatened to weaken the Norwegian-Orcadian bond. The mobility of individuals and ideas across the frontier, between Norse and Scottish spheres, inevitably challenged the sustainability of those models. Novel legal ideals and practices could potentially alter the foundations for communal organization and, in turn, mitigate Norway's authority in the hearts and minds of the country's inhabitants. Recognizing that foreigners could be seen by Orcadians as degrading the character of Orcadian society, either through the introduction of new laws or for the disregard of established ones, we can better comprehend the nativist expressions of the fourteenth and fifteenth centuries. While historians have often emphasized anti-foreign allusions as evidence for the categorical schism and rivalry between ethnic fronts, greater emphasis on the interrelationships between law, identity and community should enable us to identify more accurately the motives for conflict between local and foreign constituencies.

Orkney's demographic character changed in the course of the late Middle Ages. The open border and official allowance of movement between the isles and the mainland facilitated social mobility between Norse and Scottish spheres and ultimately precipitated the influx of Scottish clerics, landowners and tenants with ambitions of property or employment. Contrary to the

3 The use of language as an instrument for differentiating groups and delegating rights and privileges is exemplified in the Icelandic *Grágás*, which defined 'foreigners' in spatio-legal terms – as 'out-land men' (*útlendir men*) – but also with respect to linguistic kinship, emphasizing the rights of those with whom the Icelander's shared the 'Danish tongue' (*af danskri tungu*) – including Danes, Swedes and Norwegians – as privileged residents, compared to, for instance, the English, Saxons and Russians (*Grágás. Efter det Arnarnagnæanske Haandskrift Nr.334 fol., Staðarhólsbók*, ed. by Vihjálmur Finsen, Copenhagen 1879, 338; Kirsten Hastrup, "Icelandic Topography and the Sense of Identity", in Michael Jones and Kenneth R. Olwig (eds.), *Nordic Landscapes: Region and Belonging on the Northern Edge of Europe*, Minneapolis and London 2008, 56–7).

impression relayed in older surveys, the available evidence is too sparse to quantify even roughly the demographic change.⁴ It does, however, shed some light on a frontier society with a diverse and dynamic cultural and social composition. That diversity has been appraised differently by scholars, although there is a general tendency to regard it as subjectively negative and indicative of a regrettable 'national' dissolution, or objectively – albeit questionably – as the prelude to an irrevocable relocation of the population's cultural, social and political reference points.⁵ From these perspectives, historians have often placed much of the blame for Orkney's socio-political struggles in the late medieval period upon the shoulders of foreign immigrants, who either deliberately or inadvertently degraded the foundations of local public life. While it has been argued at various points throughout this work that isolated controversies have been over-emphasized in previous scholarship, we should not dismiss the consequence of inter-group conflict, nor discount the emergence of nativist sentiments among Orkney's population.

The manner in which Orcadians perceived and negotiated the dichotomy between foreign and domestic elements speaks to their concept of community. While variations in these concepts are found in several documents from the late medieval period and, taken together, provide an impression of frontier identities, historians have at times inflated and projected the concepts beyond the contexts in which they appeared, thus relaying a simplified picture that overlooks crucial nuances in the construction of identity in what appears to have been a highly diverse social environment. A closer examination of the interrelation between identity and alterity is needed in order to understand

4 Johnston was particularly interested in estimating, albeit roughly, the scale of what he refers to as 'racial' or 'anthropological' change in Orcadian society, speaking in proportions of Norse, Scottish and Gaelic 'blood' (Johnston 1916). Earl Magnus I, he claims, was 51/64th Norse and 13/64th (idem, "Orkney and Shetland Folk, 880–1350", *Old-Lore Miscellany* 7, 1914, 93), a proportion that Thomson regards as 'absurd', 'unlikely' and inconsequential (Thomson 2008, 191). Johnston's rough estimates are that although there had once been an 'equilibrium' in the intermixture of Norse and Gaelic 'blood', that balance was soon lost as Lowland Scottish immigrants became the principle racial group (Johnston 1916, 221).

5 Munch, Johnston, Brøgger and Clouston believed that Scottish immigration caused a problematic demographic change, although the latter was generally more judicious in his appraisal than the others. Crawford also views it as a potential challenge, as does Thomson, although the latter emphasizes the success of local integration or 'Orknification' of some foreigners (Thomson 2008, 191). Imsen has at times supported the 'Scottification' theory, but also underscored that communal identity was not dependent on ethno-national homogeneity (Imsen 2012, 17–28). Smith is the most outspoken critic of the Scottification theories (Smith 2012).

how and where islanders delineated ‘us’ from ‘them’ and how such demarcations might have figured into their political allegiances.⁶

7.1 Local Roots of Nativism

Orcadians enjoyed some scope of action in regulating the activities of foreigners in their midst. The question is when, why and how they sought to do so. If Munch and Clouston were correct, that Orcadians viewed Norsemen and Scots as distinct and rival constituencies, then we can expect to find ubiquitous opposition to Scottish officials by the Norse community. This situation, however, appears to have been more complex. While anti-foreign sentiment was a feature of political and judicial discourse along the frontier, we are challenged to determine when it was activated, to whose detriment, and for whose gain.

Clear documental evidence attesting to Orcadians’ differentiation between communal members and outsiders does not emerge until the mid-fourteenth century. However, such distinctions were most likely operating long before they were expressed in public diplomas. For a comparison, we find that Shetland’s oldest surviving document, from 1299, contains evidence of ‘nativism’, a form of conservatism that sociologist Ralph Linton defined as ‘any conscious, organized attempt on the part of a society’s members to revive or perpetuate selected aspects of its culture’.⁷ In the document, a local woman, Ragnhild, railed against ‘the mad Eindrid’ (*Eindriða /oe/rum*), an official of Duke Hákon Magnusson, ‘who ran away from Norway hither and never knew a day’s happiness’.⁸ While it is unclear whether or not Ragnhild maintained categorically

6 On the dialectic of identity and alterity, as well as its significance for the study of communal identity in the medieval North, see e.g. Wubs-Mrozewicz 2004; idem, “Rules of Inclusion, Rules of Exclusion: The Hanseatic Kontor in Bergen in the Late Middle Ages and its Normative Boundaries”, *German History* 29, 2011, 1–22; idem 2013.

7 Ralph Linton, “Nativistic Movements”, *American Anthropology* 45, 2, 1943: 230. Cf. Wilhelm E. Mühlmann, “Chiliasmus, Nativismus, Nationalismus: Das soziologische Fazit”, in Alexander Busch (ed.), *Soziologie und moderne Gesellschaft. Verhandlungen des 14. Deutschen Soziologentages vom 20. bis 24. Mai 1959 in Bergen*, Stuttgart 1959, 228. Although the concepts of nativism and (modern) nationalism are often conflated or seen as interdependent (e.g. John Higham, *Strangers in the Land. Patterns of American Nativism 1860–1925*, New Brunswick 2002, 4), Mühlmann emphasizes that nativism is primarily ‘a religious or reformative movement’, rather than a political campaign for national autonomy (ibid.). This invites us to apply ‘nativism’ in the study of anti-foreign movements in sub-national and extra-national communities of the pre-modern era.

8 DN 1, no. 89: ‘er hann liop ustan or Noregi ok uissi alldri fagnat’.

anti-Norwegian sentiments, it is apparent that she was not only conscious of distinctions between her community and the outside world, but also concerned about what was to her foreign, Norwegian intervention in local affairs.⁹

Evidence for differentiation between locals and foreigners in Orkney appears first during the proceedings against Bishop William III of Orkney in 1320, when the prelate was accused by church investigators of hosting 'aliens, vagabonds, and diverse religious apostates' (*alienigenas, vagabundos, ac etiam diversarum religionum apostatas*), a charge which suggests that contemporaries perceived an association between social (though perhaps not national) alterity and indecorousness.¹⁰ It has also been suggested that the criticism levelled against the bishop reflected the community's general opposition to Scottish prelates and practices.¹¹ However, the lack of explicit communal involvement in the case,

9 For Ragnhild, the problem lay in the fact that Norwegian commissioners were introducing Norwegian-sourced reforms. The sheriff, Thorvald Thoreson, was accused by Ragnhild of demanding rent from an estate that had traditionally not been subject to rents. In his defence, Thorvald claimed that 'many good men have dealt with this, including Thorkell in Nesi, Sir Eric, Archdeacon Sigurd, Sir Eindrid, and many other able men who had full authority from my lord the duke' (*margir goðir menn um uellt sem var Þorkell i Nesi herra Eiríkr Sigurðr erkidiakn herra Eindriði. ok margir aðrir dugandi menn þeir er hafðo umboð mins herra hertogans*) (ibid.). According to Smith, the commissions were supporting Duke Hákon's reassessment of Shetland's lands for rent as part of a general economic reform around the close of the thirteenth century, a task that Ragnhild regarded as unwarranted and unlawful based on Shetlandic tradition (Brian Smith, "Hákon Magnusson's Root-and-Branch Reform of Public Institutions in Shetland c. 1300", in Steinar Imsen (ed.), *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, Trondheim 2011, 103–14).

10 DN 9, no. 86.

11 As noted previously, Munch believed that 'judging by his name, William was, like most high-ranking Orcadian clerics already by that time, was likely Scottish by birth and upbringing, and wished to live in a free and secular manner, which was common among prelates in a greater part of Western Europe, especially Scotland, where licentiousness, both then and much later, was the order of the day among clerics and secular magnates' (Viljam var formodentlig, efter Navnet at dømme, som de fleste fornemmere orknøiske Geistlige allerede paa den Tid, skotsk af Fødsel og Opdragelse, og vant til at leve paa den frie og verdslige Maade, som var almindelig blandt Prælaterne i en stor Deel af det vestlige Europa, navnlig Skotland, hvor Tøjleløshed nu og endnu meget længere ned i Tiden hørte til Dagens Orden baade blandt geistlige og verdslige Magnater) (Munch 1862, 32). Thomson later claimed that the bishop's reluctance to collect Peter's Pence, a Church tax demanded in Norway but not in Scotland, was perhaps 'a symptom of Scottish affiliations' (Thomson 2008, 155). Smith, by contrast, calls Munch's claim 'outrageous' (Smith 2012, 167) and Crawford's argument 'startling' (ibid., 169, note 169), adding that 'there is no

which was otherwise directed and overseen by church officials, prevents us from commenting on the local population's outlooks or agendas.

More reliable evidence for a communal self-consciousness in Orkney appears several decades later, when, as we have seen, an assembly representing themselves as 'our community of Orkney' (*communitas vestra Orkadensis*) and acting in the capacity of a local executive body relayed the threats levelled by a 'potentate of Scotland' (*potens de Scocia*), Duncan Anderson, who forewarned his arrival and seizure of revenues on behalf of his unnamed ward, the alleged heir to the earldom of Orkney.¹² Anderson's seizure of revenues would directly infringe on the crown's economic interests in the isles, and the community, as an extension of royal governance, was theoretically obligated to intervene. However, the Orcadians, whom Anderson threatened to fine for non-compliance with his demands, were also working in their own communal self-interest, intervening to prevent Anderson's unwarranted arrival from Scotland.¹³

Even more telling is the well-studied case of 1369, which witnessed the first known bylaw pertaining to immigration regulation along the frontier.¹⁴ In addition to quelling the ongoing rivalry between the bishop and governor and allowing those parties a platform to reconcile their grievances, the settlement also appears to convey the policy aspirations of Orkney's and Shetland's local elites. According to Munch, the rivalry was a 'feud of nationalities' (*Nationalitetsfeide*) in miniature, which pitted the Norwegian Hákon Jonsson, together with the native Orcadians with Norwegian roots, against the Scottish Bishop William, with his band of foreign helpers:¹⁵

[it] rapidly turned into a serious feud on the isle, and [...] Bishop William, himself a Scot by birth, promoted his landsmen and, through violence and other unacceptable means, sought to acquire this power to the

proof at all that William was a Scot, and I don't know of any evidence that high-ranking Scots ecclesiastics of the time were more licentious than Norwegian ones' (*ibid.*, 167).

12 DN 2, no. 337. As guardian to 'the legitimate heir to the late Earl Malise of Orkney' (*legitimum heredem domini Malicii condam comitis Orkadie*), he had a right to administer his ward's inheritance in Orkney. Anderson demanded that all revenues, which were at the time being sequestered to the Norwegian royal treasury, be kept in the country until his ward was affirmed by the king.

13 DN 2, no. 337. Anderson threatened that anyone who disobeyed his order would be guilty of 'fraud' and subject to a penalty amounting to double the amount that they had withheld from his ward.

14 DN 1, no. 404.

15 Munch 1862, 917.

detriment of the native islanders of Norwegian descent, as well as the Norwegian king; one garners a rather unambiguous impression of this from a settlement, which still exists, established in Kirkwall on 25 May, 1369, between Bishop William on the one side and Hákon Jonsson on the other side, under arbitration of 24 clerical and secular men, included the Archdeacon William of Buchan and six other clerics, who were, judging by their names, of Scottish ancestry, and a disproportionately large number of Scottish laymen: indeed, an indication of the foothold that the Scots had already seized in the country.¹⁶

The structure of the arbitration hearing mirrors that prescribed for meetings of the lawthing, and is thus exemplary of the brand of law-based communal forum which dominated public life in the isles in the late Middle Ages. Arbitrated by twenty-four of the leading men, both lay and clerical, from the communities of Orkney and Shetland, the settlement indeed offers us unique insights into the social and political tensions that challenged public order at the time, including, as Munch suggested, anxieties over immigration. However, we should avoid falling into what Brian Smith has recently described as the 'Scandinavia-versus-Scotland squint'.¹⁷ Contrary to Munch's reading, we find no obvious promotion of Scottish interests in the text, and in fact are faced with what appears to be a popular demand for greater regulation of foreign individuals in the isles. This is witnessed in two paragraphs, presumably inserted at the behest of the arbitrators:

It was also settled and agreed that the lord bishop and the noblest men in the Orkneys and Shetland shall be first and foremost in all councils henceforward, as regards the king, the church and the people, according to the laws and customs of the country.

16 Ibid., 915: 'At der desuagtet virkelig blev ført en alvorlig Feide paa Øen, og at Biskop Vil-
ljam, selv skotsk af Fødsel, understøttede sine Landsmænd og overhoved ved Vold og an-
dre utilladelige Midler søgte at skaffe disse Magten til Skade for de indfødte Øboere af
norsk Herkomst og de norske Konger, derom faar man en temmelig utvetydig Forestilling
af en Forliigsact, som endnu er til, sluttet i Kirkevaag den 25de Mai 1369 mellem Biskop
Villiam paa den ene og Haakon Jonsson paa den anden Side under Megling af 24 geistlige
og verdslige Mænd, blandt hvilke Archidiaconen Villiam af Buchan og sex andre Geistlige,
efter Navnet at dømme af skotsk Herkomst, og et overvejende Antal af skotske Lægsmænd:
et Beviis nok paa, hvilket Indpas Skoterne allerede havde faaet i Landet'.

17 Smith 2012, 170.

And the lord bishop shall have good countrymen of the Orkneys and Shetland in his service, as other bishops have had and have in the realm of the king of Norway.¹⁸

Two terms in particular stand out: ‘noblest men’ (*rikest men*) and ‘good countrymen’ (*goda men jnlenzka*). In *Records of the Earldom of Orkney*, Clouston retains the Norse adjective ‘rikest’, but adds, in a footnote, that the term must equate to the ‘most powerful or noblest; i.e. the ‘good-men’ or ‘nobles’.¹⁹ Explaining further, he notes that the clause was aimed at ensuring ‘that the native nobility shall have control of local affairs, not the Norwegian officials’.²⁰ Whereas Clouston, like Munch, often viewed socio-political interaction in terms of dialectics between identifiably Norse and Scottish spheres, his observation in this case points to the development of another, home-grown axis of affiliation, and suggests the general prioritization of local civic agendas over nationalistic or ethnocentric sentiments. Clouston’s theory implies that the ‘native’ aristocracy was, in fact, equally adverse to Norwegian intervention in Orkney’s executive affairs.²¹

The main caveat in accepting Clouston’s assessment of the case lies in his undiscerning, and arguably misleading, use of the term ‘native’ when describing the ‘noblest’ men in Orkney. We can garner an impression of the type of men expected to participate in ‘councils’ affecting the island communities and their relations with Norway by examining the list of twenty-four arbitrators at the start of the document.²² Of the named participants, seven appear to

18 DN 1, no. 404: ‘Ok sua var skipat ok samþykkt þat herra biscop ok hin rikest men j Orkneyum ok Hialtlanð skullu frist ok fremst j ollum rað vera hedan af. þat sem vardar koninghenum kyrkiune ok almughanum epttir loghum ok landzsidum. Ok herra biscop skall hafua goda men jnlenzka j Orkneym ok Hiatlanð at piona sik epttir þui sem adrer biscopar halfua haft ok hafua j Norex konongx rike’.

19 REO, 17 note 1.

20 Ibid.

21 In his analysis of the arbitrators, however, Clouston uses distinct national categories, concluding that ‘four out of seven clerics were Scotsmen, and so were the majority of the seventeen laymen; but most of their names never again occur in Orkney records (unless brought in by newcomers in later centuries), and the laymen were certainly to some extent, probably mostly, bishopric tacksmen’ (Clouston 1932, 232). In using the term ‘Scotsmen’, he may have been referring to the men’s Scottish backgrounds, rather than social or political affiliation.

22 Munch (1862, 915), Clouston (1932, 232) and Imsen (2012) have previously analysed the names, although always with some differences in their conclusion. Crawford does not scrutinize the individual names, but concludes that there are ‘clear indications that Scotsmen had arrived in the islands in the episcopal followings and clerical administration’

have been ecclesiasts from the bishopric, with the remaining seventeen culled primarily from the landowning or landholding elite of Orkney and Shetland.²³ Assuming that those present would have been adverse to any new clause which might inhibit their participation in future councils, we can assume that all twenty-four fell under the umbrella term of 'noble' or worthy men. The laymen represented a mid-tier aristocracy, a brand of 'yeoman gentry' situated between the high aristocracy, including the earls and provisional governors like Hákon Jonsson, and the multitudes of small-scale and unnamed farmers and tenants.²⁴ As in Norway, such landholders were also principal shareholders in local governance and wielded great influence both in their vicinity and in negotiation with higher crown officials.²⁵

Despite their affiliations to the local community, it is improbable that all of the 'noblest' men in this particular case were 'native' to the isles. Of the twenty-four names, only five have definitively local, that is to say Orcadian or Shetlandic, origins – Richard of Rousay (*Rollissey*), Christian of Sanday, Thomas of Ireland (*arland*), John of Orkney (*Orkneyum*) and Sigurd of Papley (*Pappley*).²⁶ Eight names – John Proctor (*proktur*), William Wood (*wod*), Henry Williams (*willialms*), William Storm (*stormr*), John Robertson, Gudbrand Anderson

(Crawford 2013, 324). Smith, who notes that Clouston was far more judicious than the 'tut-tutting' Munch, is nonetheless sceptical that we can accurately locate the origins of the named individuals based solely on their names (Smith 2012, 170–71). Recognizing the flaws in the methodology, we can nevertheless garner a clearer impression of the situation than is possible with a non-systematic approach.

23 This is based on the title of 'lord' (*sira*) before the first seven names, including William Buchan, archdeacon in Orkney, and his kinsman, Walter of Buchan, a canon in the same place (*DN* 1, no. 404).

24 Imsen makes this analogy with respect to the peasant elites of Eastern Norway, who were not 'noble' in a juridical sense, yet owned land and leadership positions in the local community. He adds that the lower-standing members of these groups, the 'yeomen', tended to associate with the lower-tier farming constituencies, while the 'gentry' gravitated toward nobility (Imsen 1998, 97).

25 Imsen 1998; Opsahl 2008.

26 Rousay is the island just north of the Orkney Mainland, and Sanday is situated at the far north-eastern corner of Orkney. Ireland, located on the southern Mainland, was a property that remained intact thanks to the relatively small, close-knit nature of the family (*REO*, lxiii–lxiv). John of Orkney was, by Clouston's reckoning, identical with 'Ioanis Horreli' (as read in *Norske Sigiller*), which he assumes was a corruption or misreading of Thorkel or Horkeli, i.e. 'Jon Thorkelson' (*REO*, 386). Papley, perhaps the estate on the south Mainland, is one of at least seven similar Orcadian place-names with the 'papar' root. See generally Barbara E. Crawford, *The 'papar' in the North Atlantic. Environment and History* (St. Andrews. St. John's House Papers no.10), St Andrews 2002.

(*andrsson*), Patrick Kaldar, Bube Skinner, William Irvine (*eruín*), Adam of Muir (*Mekre*), and Olav Skutt – cannot be pinpointed geographically, although we can note that among these, at least six of the names – e.g. Proctor, Wood, Robertson, Skinner, Irvine and Muir – are either of Anglo-Scottish origin or were otherwise common in Scotland, yet unknown in mainland Norway or the other Norse communities.²⁷ Unfortunately, most of those men's Christian names, which were common in both Scottish and Norse societies – e.g. William (*Willialmr*) and Henry (*Henri*) – provide no further clues as to the individuals' origins, although at least two – Olav (*Olaue*) and Gudbrand – suggests a Norse origin, be it local or otherwise.²⁸ Some of the remaining names point almost certainly to a Scottish origin – William and Walter of Buchan (*Bucchan*), Christian of Tain (*Teyn*), Fergus of Ross (*Rosce*), John of Bothwell (*Boduel*), Duncan of Cairncross (*Karmkors*), John Sinclair (*sincler*) and John of Dounreay (*Dunray*).²⁹ While it is conceivable that some of the men were 'native', or in other words born in the isles, we can quite easily imagine that others, especially those bearing both a distinctly Scottish surname and Christian name – e.g. Fergus of Ross and Duncan of Cairncross – were Scots by birth. These clues suggest that at least some, if not the most substantial portion, of the 'noblest' men in question were in fact immigrants, and thus not 'native' members of the Orkney or Shetland community *per se*.

Clouston also equates the Norse '*jnlenzka*' – literally 'in-land' – with the English 'native'. As in the first instance, this does not reflect his misreading of the evidence, but rather his use of a term with loaded and misrepresentative

27 Irvine, or Irving, was clearly Scottish, although it was associated with allodial land and became common in the isles in the seventeenth century (*REO*, lvii). The name Muir was a common Scottish name that later became one of the most common in the isles by the seventeenth century (*ibid.*, lvii).

28 Munch argues that these were the only clearly 'Norwegian' names (Munch 1862, 915–16). It is not clear whether he was applying 'Norwegian' interchangeably with 'Norse', although he tended to view the isles as categorically Norwegian.

29 Buchan comprised the historic earldom of north-eastern Scotland. Crawford cites the two men of Buchan as exemplary of the Scottish stock (Crawford 2013, 324). Smith emphasizes that they were nevertheless well-established in the isles, with Walter as Shetland's archdeacon (Smith 2012, 171). The name Tain must derive from the royal burgh by that name in northern Ross. The name Bothwell, corresponding to the village in southern Scotland, reappears on record in the sixteenth century under Bishop Adam of Bothwell (*REO*, no. 148). Karmkors, or Karinkors, Clouston concludes, must be identical with the Scottish surname Cairncross, since the Christian name in this case, Duncan, is Scottish (*REO*, 16, note 2). Dounreay is a site on the northern coast of Caithness, in proximity to the ancient earldom estate of Thurso and situated directly across the Pentland Firth from Orkney.

connotations. Used in this context, 'native' would imply a socio-juridical stratification between native-born inhabitants and naturalized immigrants, whereby the latter, by penalty of foreign birth, were precluded from serving in the bishops' service. This was almost certainly not the case. As noted, the body of arbitrators, who presumably influenced the agreement's composition, had a mixed ethnic composition and probably included several first-generation immigrants. Thus, 'countrymen' – i.e. 'in-country' or 'of-country' men – is a more accurate term which covers both native-born and naturalized members of the Orkney and Shetland communities.

That is not to discount the nativist forces at work. In addition to being countrymen, those qualified for service in the church or on the bishop's council also belong to an elite group of 'good' men or 'good-men', in other words, men of high socio-economic and political standing in the communities.³⁰ The term is likely to derive from the Old Norse 'godings' (*gæðingr*), a class comprised of 'men of good family' or men of property. While the original designation was often reserved for landholders with a close association to Orkney's earls, late medieval iterations of the term (e.g. *gode men*) applied to men who, by virtue of landownership, were qualified for service in court or as communal representatives.³¹ The title, like the land from which it was derived, was heritable. As Clouston explains, 'it was the same ring of goding families, either in the form of the main stems or branch families, who formed the native element in that exclusive body of 'the worthiest' down to the sixteenth century'.³² Thus, the 'native' elements were both material, as manifested in landed property, and

30 Cf. the term to the '*gode menn*' found in Norwegian sources (Helle 1972, 19–37). Clouston posited a continuity between the 'godings' (*gæðingr*) from the earlier middle ages, who were strongly loyal to the earls, and the 'good men' of the period in focus (Clouston 1924/5, 13; Imsen 2012, 20). Late medieval and early modern documents show 'good-men' holding 'bus' – hereditary or practically hereditary estates owned in allodium or through the endowment of Orkney's earls (J. Storer Clouston, "The Orkney Bus", *Proceedings of the Orkney Antiquarian Society* 5, 1926/7, 41–9; idem 1932, 169–81). However, the term later applied to prominent allodial landowners who were not necessarily dependent on the earl for promotion. Newcomers to the isles could secure these estates through marriage into these established families through the female side, although the arrangements were no doubt influenced by the cadets' good relations to the earl, which gave them an advantage in attaining high ranks among Orkney's aristocracy (ibid., 270–71). The loyalties shifted in the later middle ages, however. As Thomson concludes, 'the gentry's first loyalties were therefore often to the [Norwegian] king, rather than to the earl, and this was one of the reasons why Orkney could function effectively during the periods when there was no resident earl' (Thomson 2008, 185; Imsen 2013, 21).

31 Clouston 1924/25.

32 Clouston 1932, 184.

conceptual, as conveyed through notions of familial lineage. Ultimately, newcomers to the isles could meet both criteria, and thus initiate naturalization, through marriage into established families.³³

7.2 Nativism and the Realm

While the Orkney community was capable of internally regulating some matters of immigration and integration, others demanded negotiation with higher authorities in Scandinavia. Beginning in the early fourteenth century, communities across the realm of Norway began speaking out against the oppressions of despotic governors and deputies who, wielding the authority granted to them by the king, levied unprecedented and unconventionally high taxes, ignored established law and customs and deprived peasants of their long cherished rights. In Norwegian scholarship, popular activism aimed at quelling this trend was central to Norway's late-medieval national awakening, a burgeoning of patriotic sentiments that was enlivened by a collective disdain for 'foreign' rule.

Reports of misrule coincided with the union monarchy's endorsement of foreign governors and deputies in Norway and the tributary countries. Ruling

33 Integration through marriage was an important element in the cultivation of a 'law of naturalization' (*innfødsretten*) in mainland Norway during the nativist unrest of the fifteenth century. Whereas Swedish policy makers tried for a time to oust all non-native-born Swedes, the nativist campaign of Amund Sigurdson in 1436/37 excluded 'men of inheritance' (*aruingæs mæn*), i.e. foreigners whose marriage provided them property, from their general ban on foreigners (*DN* 3, no. 733). This made it into policy proposals when, in an agreement between activists and the council of the Realm in 1437, it was stipulated that 'those foreign men who now are married in Norway; they we wish to have, [to] suffer and tolerate for the days of their lives, though without having authority, as said before; and [only if] they swear our gracious lord the king, the kingdom, and the kingdom's men full homage and faith, to protect without any fault or failure' (*vndantaknom theim vtlen-dzskom monnom, som nw ær gifte j Norighe, theim wilia wy haffua, lijdhæ oc thola j theira liffdagha, thog engte waldh at haffua, som ffor sigher, oc at the swerixæ warom nadhig herræ konungenom, rikeno oc rikissens monnom allom holler oc troer at wæra vtan alt ffals oc swik*) (*DN* 2, no. 727). Norwegians were later willing to 'consider foreigners who were married in as natives, and thus eligible for positions in the state' (*inngiftede utlendinger som innfødte, og dermed berettiget til stillinger i staten*) (Steinar Imsen, "Innfødsretten", in Steinar Imsen and Harald Winge (eds.), *Norsk historisk leksikon. Kultur og samfunn ca.1500-ca.1800*, Oslo 1999, 173). Opsahl explains that the laws in Norway were more liberal than in Sweden as the high aristocracy was rather small in the former, meaning that aristocrats naturalized through marriage could contribute to the promotion of the aristocratic class (Opsahl 2009, 49–50, note 47; Moseng et al. 1999, 362).

from their headquarters in Denmark, Kings Eric III and Christian I expanded a European-style system of fief-holding, which, as we have seen, initiated what historians have viewed as a de-nationalization of governance throughout the realm. Assuming freer prerogatives in executive appointments, kings parcelled out the greatest offices and fiefs to Danish, German, Swedish and Scottish favourites, often at the expense of native aristocrats. Foreign benefactors in turn delegated regional and communal offices to their own clientele, some of whom were either ignorant of, or insolent toward, Norwegian laws and customs.³⁴ Particular emphasis has been given to the popular uprising led by Amund Sigurdsson Bolt, a Norwegian aristocrat who garnered the support of peasants to oust 'Danish men' (*danskæ mæn*) from power in the Oslo Fjord region in 1436/37.³⁵ Their struggle, which Opsahl argues demonstrates the intersection of aristocratic and peasant interests, was concluded with an agreement that King Eric III should 'neither send nor install any foreign men of authority, neither spiritual nor worldly, [to or] within the kingdom of Norway'.³⁶ The proposed policy reforms later made their way into the electoral capitulation of 1449, 1483 and 1524, wherein kings pledged that 'we shall install no foreign man in the kingdom of Norway without consultation [with] and agreement of the majority of council of the Realm'.³⁷ For most historians, the struggle against aliens in office in Norway was integral to the struggle for home rule and national independence from Denmark.³⁸

If the nationalist incentives for nativist action in Norway were not transferable to Orkney – a country distinct from the mainland patria – then concerns over the alienation of governance to foreign fief-holders were equally pertinent to public discourse in the isles.³⁹ Whereas the Oslo Fjord region's proximity

34 See e.g. Imsen 2002, 35–57.

35 *DN* 3, no. 733. Included in an armistice between Amund Sigurdsson and his peasant insurgents, on the one side, and the Norwegian council of the Realm, on the other, this policy proposal was followed with exceptions for two Danish officials, as well as 'servants of the knightly class and rightful men of inheritance [who] should remain free in the kingdom of Norway as do native men, but under the condition they carry forth with justice' (ibid.: *tienæstæ mæn som riddæræskapet thienæ ok skellighe [a]ruingæs mæn skulæ bliuæ fri j rigith Norghe swa wæl som jnbornæ mæn ææ mædhan the faræ mæder skiellighei*).

36 *DN* 2, no. 727: 'huarken skipæ edher sæte j Norighes rike nokra vtlendzska waldz men, huarcken andelighe eder weraldzlige'. This was, however, amended to allow foreigners married in Norway into power.

37 *NgL* 2.2., no. 3: 'skwlle vij inghen vtlensken mand indh setthe i Norges ricke vtthen met meste dellen rickens radz radh oc samtyckth'. Cf. ibid., no. 5.

38 Imsen 2002, 43.

39 Idem 2012, 9.

to Sweden, Denmark and Northern Germany attracted foreigners from those regions, Orkney's position along the frontier with Scotland made it the prime target for ambitious Scottish officials seeking opportunities in the service of a foreign crown. As in Norway, this presented challenges of integration, as the local population was faced with the governance of outsiders whose authority was predicated upon royal appointment, rather than on popular election or support.

King Eric III was certainly not the first monarch to appoint foreign-born men to positions of power along the frontier. King Hákon VI, for instance, is known to have appointed four foreigners into positions of authority in Orkney: Thomas Sinclair as baillie, Hákon Jonsson as governor, Alexander de Ard as governor and Henry I Sinclair as earl. While our sources do not reveal how these men were received in the isles, it is evident that the king recognized that Orcadians had potential scepticisms toward unfamiliar men in power. Hákon VI's promotion of Alexander de Ard as sheriff in 1375 was accompanied by a notification to 'all men in the Orkneys' (*ollum monnum j Orknøyuum*) in which the king requested them to be 'ready, benevolent, obedient and compliant towards him [Alexander] and his agents in all those things which you owe to us and the kingdom and the earl, after the law of the country and old custom'.⁴⁰ There is no clear evidence that Alexander was obligated to recruit Orcadians as officers, although the 1369 agreement's demand that only 'good countrymen' serve the bishop may have applied for the secular functionary as well. The term used by the king to describe his 'agents' (*ombvdsmen*) may be synonymous with the Norwegian 'deputies' (*lénsmenn*), a title which, according to a royal amendment, applied to those 'well-standing farmers' (*skilriker bøndær*) who served sheriffs and other high-ranking officials in their local government.⁴¹ As countrymen of Orkney, Alexander's agents would have been poised to aid in his integration, counselling him on how to 'dispense law and justice' in what was perhaps an unfamiliar judicial environment for the (presumably) Scottish-born sheriff.⁴²

40 DN 2, no. 438: 'wart hylle ok wara naadh at þer werer honom ok hans ymbodes monnum greidhir godhwiliugher lydhner ok eftirlater j ollum þeim lutum sem þer erer os ok konungdomenom ok jarlenom skyldugher at gera eftir landzens ret ok fornorn sidhwana'.

41 Imsen 1990, 37. Waerdahl 2011, 145.

42 Alexander de Ard was rooted deep within Scotland's aristocratic society and was likely to have been the underage heir to the earldom of Orkney over whom Duncan Anderson claimed custody in 1357 (DN 2, no. 337). He was the son of Weland de Ard, and inherited a claim to the earldom of Caithness, which he later resigned to Alexander Stewart and his half-brother David (Boardman 1996, 75).

The most illuminating and useful source for studying Orkney's reception of foreign officials is the *Complaint of the People of Orkney*.⁴³ Composed by representatives of the Orcadian community, the *Complaint* contains multiple allusions to identity and alterity, and enables us to better understand tensions between local and foreign constituencies. Among the many recurring motifs in the document, the dialectic between foreigners and countrymen stands out as the most divisive. As we have seen previously in this study, David Menzies of Weem was appointed by Earl Henry II to act as 'tutor testamentary' to his heirs in Orkney, in particular the underage William Sinclair, and was the 'special governor' of their assets.⁴⁴ Menzies, who most likely originated in his family lands of Perthshire, had no direct association with the Northern Isles prior to his appointment.⁴⁵ Although the Orcadians do not describe him as a foreigner, they expressly blame him for initiating the alienation of local government:

Item: the aforesaid David introduced foreigners who heavily oppressed the commons of the country, both when we should sit in the law court and at other times, and were a veritable pest to the people and did much harm and great injury in the country.⁴⁶

It is important to examine this and related grievances within their specific, and highly charged, context. Hostile toward Menzies as an individual, and thoroughly critical of his behaviour in the country, it is conceivable that Orcadians were negatively predisposed toward any of his associates, regardless of their origins. However, given their foreign origins, we must consider whether the trouble they caused amplified xenophobic sentiments within the community, and if so, how their reaction affected frontier relations, particularly with Scotland.

One matter of interest is from where exactly the unwelcome interlopers originated. The introductory grievance pertaining to 'foreigners' (*vthlænst folk*)

43 DN 2, no. 691.

44 Above, 55. *Menzies Papers*; Grohse 2014a.

45 The bulk of Menzies family lands lay in Athole and Breadalbin. For David Menzies' biography and familial history see David P. Menzies, *The 'Red & White' Book of Menzies. The History of Clan Menzies and its Chiefs*, Glasgow 1894, 99–115. Interestingly, Menzies is remembered as 'Saint David' by his descendants, having entered into the priesthood after his episode in Orkney (Thomson 2008, 173).

46 DN 2, no. 691: *forde Daid forde in vthlænst folk ther storliga fortrykte almoghan i landit badhe tha wi ræt sculdom sitia ok ællers oc storliga forgæste almoghan oc giordo mykit fortreot oc stoor schada i landit*. Cf. REO, no. 28.

is notably unspecific about their social or national backgrounds.⁴⁷ Michael Magee (*Magy*), a kinsman of Menzies, is the only foreigner referenced in the document by name, when it is claimed that he attempted to steal a horse from John of Baddy, a servant and kinsman of Orkney's lawman, William Thorgilsson.⁴⁸ The *Complaint* does, however, name two specific groups of foreigners, both of which originated in Scotland, albeit in distinct regions of the country. First, the people recount that Menzies 'sent foreigners from Caithness to the lawman's homestead', who then ransacked and thoroughly fleeced the lawman's estate and chapel of most valuables.⁴⁹ Caithness, a territory that shared a waterway and once formed part of a common political enterprise, was regarded here as an alien land. As suggested in Chapter 1, the conceptual divide between the island and mainland territories was well-established even before the two were gradually estranged in the wake of the Norwegian-Scottish border delineation of 1266. Despite sharing a common maritime environment and comital lineage, Orkney was viewed as territorially distinct from the Northern Scottish mainland and was governed as a separate administrative unit. The conceptual divide was broadened in the thirteenth and fourteenth centuries, as the two units were anchored within the separate jurisdictions of Norwegian and Scottish kings and, eventually, separated as joint comital honours following Alexander de Ard's forfeiture of his claim to Caithness in 1375.⁵⁰ It is, therefore, unsurprising that the Orcadians who compiled the *Complaint* regarded the men of Caithness as members of not only a distinct, but also a politically unconnected foreign territory. An even more compelling story of foreign brutality involved certain 'Wild-Scots' (*willeschotta*). The *Complaint* recounts:

Item, the people of Ronaldsay complained to their foud that the Wild-Scots came in such numbers to them and did them great injury to their goods, meat and drink, and much other mischief, and they said that they would rather die than live and suffer such things any longer. Then the aforesaid David answered that they should not all die on one day, but that they would die every day as long as he had power over them.⁵¹

47 Ibid.

48 Ibid.

49 Ibid.: '*tha sænde han vtlænska mæn af Kattenæs til lagmansins gard*'.

50 Crawford regards this as a turning point, breaking Caithness' link with Orkney (Crawford 2013, 325).

51 DN 2, no. 691: '*Item almoghin af Ronaldezø kærde for there foghata ath the Willeschotta komo swa marghe thil them oc giordo them stoor skada oppa there gotz maat oc dryk oc mykit annat fortreet, oc saghdo thet the hælder wilde døø en lifua oc lidha swa dant længe*'.

Previous studies have not fully appreciated the significance of the term used to describe the attackers – ‘Wild-Scots’ – assuming it to be an informal, pejorative adjective to describe unruly men from Caithness.⁵² Thus the ‘foreigners from Caithness’ whom Menzies employed to ransack the lawman’s estate are believed to have been of the same ilk as those who despoiled the island of Ronaldsay. This conclusion is based in part on Menzies’ callous response to the pleas of Ronaldsay’s inhabitants, who were told to expect more suffering under his command.⁵³ However, no direct blame for the despoiling is levelled at Menzies. Rather, he was accused of negligence in failing to protect those under his authority. Just as he was culpable for employing unruly foreigners as agents, Menzies was also to blame for idleness in preventing the actions of other outside aggressors. As we have seen previously, the term ‘Wild-Scot’ should be examined in a wider regional context, as it appears to be a derivative of a noun or proper-noun commonly used to describe Highlanders and Hebrideans in Lowland Scottish texts.⁵⁴ Appreciating this, we can conclude that the foreign menaces, the Caithness-men and the Wild-Scots, represented two distinct groups.

7.3 Nativism and Naturalization

The pejorative depictions of foreigners in the *Complaint* are placed in near juxtaposition to positive references to countrymen and native inhabitants. As suggested previously, the naturalization of foreigners was possible in Orkney, where incoming Scots could become members of the community through marriage, land-acquisition and participation in public legal and administrative forums. Regardless of their origins, ‘good-men’ (*goda men*) and ‘noblest men’ (*rikest men*), those being high-standing communal members, who were also ‘countrymen’ (*men jnlenzka*), be they native or naturalized, could participate in governing councils in 1369.⁵⁵ The title was still relevant in the 1420s,

tha swarade forde Dauid. thet the sculdo ey alle dōō oppa en dagh vthan the sculdo hwar dagh dōō swa længe han war mæghrig over them’.

52 Imsen 2013, 20; Barbara E. Crawford, “The Earldom of Caithness and the Kingdom of Scotland 1150–1266”, in Keith J. Stringer (ed.), *Essays on the Nobility of Medieval Scotland*, Edinburgh 1985, 25–43.

53 Menzies was apparently the ‘foud’ to whom the people complained (*REO*, 42, note 1).

54 Grohse 2014d, 173.

55 *DN* 1, no. 404.

as we find nine references to 'good-men' throughout the *Complaint*.⁵⁶ At least one reference to a 'good-man of the country' (*godman i landit*) appears to be synonymous with the 'good countrymen' (*goda men jnlenzka*) referred to in 1369, in other words as a formal measure of socio-political membership.⁵⁷ In addition to their local anchorage, Clouston surmised that the designation was essentially synonymous with that of royal liegemen, concluding that the men in power in Orkney were generally beneficiaries of royal feudal contracts.⁵⁸ If, as Clouston argues, these men held rank as crown vassals within the royal retinue, then their involvement in public life must be taken as evidence for the strong link between socio-political and military authority at the local level and the crown in Scandinavia:

We see, in the first place, a number of substantial odal landowners, representing the ancient families in authority. These were the 'goodmen of the country', and by hereditary right were members of the island head court and miniature parliament styled the Lawthing [...] Out of this number, certain representatives of the greater families 'held the king's commission', as we should say to-day. They were members of the royal hird, belonged to the Norwegian nobility, and had the right to bear arms [...] These goodmen and hirdmen were the people who 'ran' Orkney, certainly in the last century or two of the Norse period.⁵⁹

Thomson and Imsen accept a notional link between the Norwegian crown and the 'good-men' of Orkney, although they modulate Clouston's theory by emphasizing that in some cases, those men's service to the crown was indirect and committed vis-à-vis their service to the community.⁶⁰ Although their position in local society predated Norwegian control, these members of the local 'aristocracy' or 'gentry' gravitated increasingly toward the crown in the thirteenth and fourteenth centuries, sometimes even receiving 'liegeman-letters',

56 These include various forms of 'good-man' (*godman*; *godo mæn*; *goda mæn*; *godan man*; *godhe mæn*; *goda manna*; *godho mæn*) and one reference to 'best men' (*bæsto mæn*) (*DN* 2, no. 691).

57 *DN* 2, no. 691. There is an interesting parallel between the Orkney phrase 'good-man of the country' (*godman i landit*) and that used in, for example, a later fifteenth-century document from Denmark, where it is promised that Bishop Olav Mortensson of Roskilde's men should enjoy 'the same liberties as other good men of the country' (*swodan frii-het som andre gode men her i landet*) (*Diplomatarium Christierni*, no. 120).

58 Clouston 1924/25; idem 1932, 261–78; *REO*, xciii.

59 Clouston 1924/25, 18.

60 Thomson 2008, 184–85; Imsen 2013, 19–21.

letters of protection for royal servants.⁶¹ It is, nevertheless, unlikely that local 'good-men' were required to maintain direct, personal correspondence with rulers in Scandinavia. While sources contain dozens of references to 'good-men', we have only scant evidence to show that any travelled to or corresponded individually with the royal court.⁶² Recognizing this, it seems more probable that the title, and the associated civic-administrative authority which accompanied it, were royally-endorsed, but originally earned through service within the local community.

As argued previously, it is unlikely that all 'good-men' in Orkney were of native-birth.⁶³ While naturalization could facilitate ascension in the higher echelons of local government, we may witness greater stratification of Orkadian society in the 1420s, with increasing value being placed upon indigenoussness. Native birth is cited five times on four separate occasions in the *Complaint*. However, while reference thereto might initially imply the emergence of a strict dialectic between foreign and native-born men along the frontier, close examination reveals a more nuanced picture. The first cited incident arose during the campaign of William Sinclair, the underage ward of David Menzies, to receive confirmation of his claim to the earldom before the king in Copenhagen. Seeking to prove his birth right, he requested to be accompanied by 'the good-men born here in the country' (*godo mæn her i landit waro fødde*).⁶⁴ In an attempt to derail Sinclair's efforts, Menzies refused, allowing

61 On the issue of 'liege-letters' see e.g. Blom 1967, 18–29; idem, "Skydds brev. Norge", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid fra vikingetid til reformasjon*, vol. 16, 1971, col. 39; Imsen 2013, 16). The example cited is Thomas Sinclair, who brandishes a letter from the king in his struggle against David Menzies (*DN* 2, no. 691; Imsen 2012, 16). Cf. Thomson 2008, 173, Crawford 1971, 428, where Sinclair is believed to have been appointed as manager of the king's private estates.

62 These include Alexander of Clapham (*de Claphame*), who appears in Kirkwall in 1391 as one of several 'knights' (*milites*) (*DN* 2, no. 525), and was presumably promoted by the Norwegian king when the former accompanied Earl Henry I to Marstrand to receive his confirmation as earl in 1379 (*DN* 2, no. 459) and three of the six 'armigers' (*armigiri*) who accompanied Earl William I to Copenhagen in 1434. They were probably promoted by the king, yet also appear in local diplomatic sources: Alexander Brown (*DN* 2, no. 691; *DN* 20, nos. 809, 833), Robert Bening or Gening (*DN* 6, no. 423; *DN* 20, 809; *REO*, no. 208) and John Haraldsson (*DN* 20, no. 815). The most outstanding example is 'Lord' (*dominus*) Thomas Sinclair, who travelled to Copenhagen and received a royal letter in which the king 'took him, his men and all other of his property, and everything else that belonged to him, under royal protection and into his peace (*tok honom hans mæn oc annat hans gotz, oc alt annat thet honom til hørdø i hans konunxlika hæghn oc frid*)' (*DN* 2, no. 691).

63 Above, 62.

64 *DN* 2, no. 691.

only the minor's kinsman, Thomas Sinclair, the archdeacon of Shetland, and 'two servants of those who were born here in the country' (*ij smasuenta af the her i landit waro fōdda*).⁶⁵ Clearly, William regarded natural birth as a political asset, perhaps as those born in the country would be more knowledgeable of and credible in recounting the history of the Sinclair family in the isles.⁶⁶ The servants who accompanied him, however, were distinguished from their native-born masters, suggesting that they were perhaps non-indigenous. If so, this provides further evidence for Orcadians' willingness to associate with and employ immigrants.

In a related incident, William Sinclair gathered 'the entire country' (*alt landit saman*) and required that 'twenty-four of the best men who were in the country and were born here' (*xxiiij af the bæsto mæn i landit waro oc infōddo*) accompany a letter to Copenhagen, and there testify to William's integrity, and Menzies' lack thereof.⁶⁷ Recognizing the threat, Menzies refused them leave from the country, travelling overseas himself, taking with him the seal and leaving behind the 'good-men of this country' (*goda mæn her af landit*).⁶⁸ Here, we may be dealing with two classifications: the 'the best-men of the country' (*bæsto mæn i landit*) in addition to the best men who were 'native' (*infōddo*). This makes sense when viewed against the additional claim that the 'good-men' (*goda mæn*) – a rather general designation – were detained in Orkney by Menzies, suggesting that William was seeking the support of both native and naturalized members of the Orcadian aristocracy. A third examples attests to plurality of definitions. At one point, Menzies imprisoned a 'native-born good-man of the country' (*godan man af landit infōddan*) without just cause.⁶⁹ If we are to assume that the two terms are synonymous, or that the native birth was a prerequisite for obtaining aristocratic status, then the use of both adjectives 'good' and 'native-born' is illogically redundant.

65 Ibid.

66 This is perhaps reflected in the community's compilation in the Orkney's *Genealogy*, a document compiled in support of William's birth right by way of inheritance by the bishop and 'the canons of the cathedral church of the glorious martyr Magnus, the lawman and other dignitaries, nobles, people and community' (*canonici ecclesie cathedralis sancti Magni martiris gloriosissimj. legifer ceterique procere nobiles, populus, ac communitas eiusdem*) (DN 20, no. 333). The document was officiated with the seal of the 'community of Orkney' (*communitas Orcadensis*) (ibid.). For the *Genealogy*'s compilation and the role of the community see Crawford 2013, 352–55.

67 DN 2, no. 691.

68 Ibid.

69 Ibid.

If native birth was not a prerequisite for high standing in public life, it apparently helped to substantiate it. Thomas Sinclair, William's kinsman and Menzies' main adversary, argued, 'on his own behalf' (*hans eghna wæghnæ*), that he was 'a native-born man of the country' (*inborin man her i landit*) and held a letter of protection from the king.⁷⁰ Whereas we might assume that the king's support, which readily transcended questions of origin, was a sufficient basis for obtaining public authority in Orkney, Thomas apparently believed it could strengthen his cause. The same must be said for other references: whereas 'good-man' referred to a specific and semi-formal political station, appeals to native birth served to embellish one's credibility in the social politics of the late medieval frontier.

This should not imply that social and political boundaries between native and foreign constituencies within Orkney were either finite or unsurmountable. When surveying the roughly thirty-five named members of the community, we indeed find a number of men with native origins. Although only one of these, Thomas Sinclair, is referred to explicitly as a native of Orkney, a number of others have either distinctly local or ostensibly Norse names, including Christian Linklat, William Thorgilsson, James of Cragy, William of Heddel, Adam of Nistagar and Magnus in Ranland.⁷¹ Four of these men are referred to in the text as 'good-men', while the fifth, William Thorgilsson, was the supreme judicial authority in the isles, acting as lawman.⁷² They cannot have been the only home-grown members of the community; Niels Muir, for example, was perhaps the son of Adam of Muir, a potentially Scottish-born immigrant who

70 Ibid.

71 Linklet or Linklater is an identifiably Orcadian surname (*REO*, 41, note 6). Without a place-name, Thorgilsson is conceivably of Norse or Scottish origin, although the patronym derives from the Norse Thorgil and is therefore most likely from the northern end of the Norwegian-Scottish frontier. James of Cragy received the passport mentioned above (*ibid.*), where is referred to as 'dominus of Hupe' (*REO*, no. 16). As Clouston notes, Huip is located in Stronsay, although he admits this to be the only known connection between the family and the place. Berit Sandnes notes that 'Crya' appears in various places around Orkney, with only one 'Crya' known from the late fifteenth and sixteenth century rentals. It could, however, be derived from the Norwegian 'krage' (collar), although this is highly speculative (Sandnes 2003, 116). Heddel was named after his estate near Stenness, based perhaps on the Norse 'heydalr' (high valley) (*ibid.*, 163). Nistagar was named after his estate at Evie that was subsequently acquired by Earl William I (*REO*, 41, note 5). Ranland was named after his estate, now called Redland, which appeared as Reynland in the 1502 rental (*ibid.*, 44, note 2).

72 In the passport granted by the citizens of Kirkwall to James of Cragy, William is cited first as 'William, son of Thurgys [Thorgil], Lawman of Orkney' (*ibid.*, no. 16).

had obtained high status in the community by 1369.⁷³ Another man of Scottish descent, William Irvine, may have been the William Irvine, or descendant of the same, who acted alongside Muir in 1369.⁷⁴ Still others, including Kolbein and William Flett and William Bras had surnames that indicate Norse heritage, although there is nothing to link them to a particular location.⁷⁵

However, the document references several other men with Scottish-sounding names that are previously unrecorded in Orkney, including Alexander of Sutherland (*Suderland*), John Fife (*Fiif*), Henry Garrioch (*Gariok*) and Piers Lutfut (*Lwtfut*). According to Imsen, Piers Lutfut (*Piris Lwtfut*), whose name appears to be a Norwegianization of the Anglo-Norman Loodit or Loutit, also had probable Scottish origins.⁷⁶ The most telling, however, is Alexander of Sutherland. Alexander, who was Earl William I's father-in-law, certainly maintained familial or proprietary ties to Northern Scotland.⁷⁷ Not only does his name point to his Scottish roots, he also appeared several years later, in October 1429, receiving the lands of Dunbeath in Caithness from Alexander, presumptive earl of Ross.⁷⁸ Seemingly 'a person of position and wealth', Sutherland's daughter, Marjory, would later marry Earl William I.⁷⁹ Sutherland's testament from 1456 demonstrate his involvement in Scottish economic transactions and social circles.⁸⁰ Despite being a descendent of a Scottish house and a holder of Scottish lands, Sutherland was nonetheless a 'good-man' with obvious interests in Orkney.

Imsen hears Scottish tones from several of the other named members of the Orcadian community, including Malcolm Jonsson, Thomas Brown (Brwn), William Gray (Gra), Samson Williamson (Willemson) and Thomas Bubson (Biubson).⁸¹ Both Brown and Gray have folk-etymological origins, although it

73 *DN* 1, no. 404.

74 *Ibid.*

75 Gregory Lamb proposes a Norse origin for Bras (Gregor Lamb, *Orkney Surnames*, Edinburgh 1981, 14), while Imsen adds that it was a Norse nickname, rather than family name (Imsen 2012, 18). Cf. J. Storer Clouston, "The People and Surnames in Orkney", *Proceedings of the Antiquaries of Scotland* 2, 1923/4, 34).

76 Imsen 2013, 19.

77 The same Alexander Sutherland appears in a document from Dunbeath, (1429) in Caithness, and his daughter, Marjory, betrothed Earl William I as his second wife (*REO*, 41, note 4). See Crawford 2013, 359; Robert Gordon, *A Genealogical History of the Earldom of Sutherland from its Origin to the Year 1620*, Edinburgh 1813, 70.

78 *REO*, 41, note 4; John Henderson, *Caithness Family History*, Edinburgh 1884, xxvii–xxviii.

79 *Ibid.*, xxviii; Crawford 2013, 359.

80 *REO*, 41, note. 4; Crawford 2013, 359.

81 Imsen 2012, 19.

is possible that the latter has a specifically Norman root.⁸² The Christian name Malcolm has a Scottish ring to it, while Samson was seemingly more common in the Scottish than in the Norse or Norwegian naming tradition. However, in these four cases, the names do not necessarily indicate a Scottish origin, but may reflect the general adoption of Scottish naming and linguistic trends.

Despite the Norwegianization of names, very few of the Orcadians mentioned in the document have a distinctly Norwegian or Norse core. If this does not prove the Scottish origins of the named inhabitants, it suggests that Scottish cultural influences were permeating the frontier, encouraging families to adopt Scottish nomenclature. From a linguistic standpoint, the early fourteenth century is an intriguing era in the history of the isles.⁸³ Of the surviving documents produced in Orkney between 1422 and 1468 (and registered in Clouston's *Records of the Earldom of Orkney*), one was produced in Latin,⁸⁴ one in Middle Norwegian,⁸⁵ and eight in Scots English.⁸⁶ The *Complaint* is, in fact, the last surviving record of Norwegian or Norse being used in Orkney and was evidently written in that tongue in order to garner sympathy from a Norwegian or Scandinavian-speaking audience to the east. The predominance of documents written in Scots English from this period onward suggests that the population had adopted the language of the neighbouring mainland as their main medium of communication in the local arena.

That is not to say that the Scottish vernacular fully eradicated the older Norse terms. As Imsen suggests, at least some members of Orcadian society, such as the lawman, William Thorgilsson, must have been multilingual. In addition to overseeing the composition of the *Complaint* (written in Norwegian), William also supervised the compilation of a passport (written in Scots English) and probably also a letter of appeal to Queen Philippa (written in Latin).⁸⁷ Multilingualism was, and is, a common characteristic of frontier societies, where frequent, sometimes daily, correspondence with communities to the left and

82 Ibid.

83 Marwick 1929.

84 *REO*, no. 19 (1425).

85 Ibid. no. 18 (ca. 1425/26).

86 Ibid. nos. 16 (1422), 208 (1433), 209 (1435), 30 (1438/39), 87 (1447), 88 (1455), 89 (1455/56), 90 (1465/66). Admittedly, there are too few documents from the preceding century to enable a qualified survey of linguistic change. *Records of the Earldom of Orkney* contains only five documents produced in Orkney (ibid. nos. 3, 4, 5, 8, 9), two of which are in Latin, and the remaining three in Norwegian. It is, however, somewhat telling that King Hákon VI addressed the people of Orkney in Norwegian in 1375 (*DN* 2, no. 438).

87 *REO*, nos. 18, 16, 19. In the latter, the lawman (*legiser*) is not named, although it is likely, given the chronology, that William was the official in question.

right of the frontier's centre, demands flexibility in communication. In the case of Orkney, linguistic versatility was probably necessary for the proper application of law. Recognizing that the Orkney good-men were not necessarily Norwegian or Norse speakers by birth, we can imagine that they were expected to familiarize themselves with the Norse vernacular in which the law code was (presumably) composed. Alternatively, if newcomers failed to acquire the necessary skills to read the law independently, then the lawman must have served as the public interpreter.

7.4 Conclusion

Although the evidence is in many cases too incomplete to draw definite conclusions, the overall impression relayed by these communal documents is one of cultural and social diversity. We find an admixture of naming traditions and an apparent transition between linguistic preferences. While it is unlikely that either change corresponded to an equally substantial demographic shift, we can nonetheless appreciate palpable changes in the higher- and middle tiers of Orkney's social hierarchy. While previous studies have recognized these changes, they have also misinterpreted their significance. Traditionally, historians have highlighted differences in the ancestries of communal leaders as a means of emphasizing fractures and frictions within Orkney's population. The preceding discussion, by contrast, viewed those differences against the backdrop of collective political action in order to demonstrate the irrelevance of ancestry for social solitary and the advancement of collective political agendas.

Reviewing the evidence, it is apparent that Orkney's community was comprised of natives with Orcadian roots, natives with Scottish roots, and naturalized immigrants from Scotland. All three groups are equally represented in public life in a qualitative sense, as all were considered to be 'good-men' of the country or community. Crucially, there were no apparent subdivisions between these groups; rather, members of all backgrounds worked collectively for the welfare of their community and, as we saw in the previous chapter, the preservation of Norwegian law and Orcadian custom. Recognizing the inconsequence of 'national' origin, we can appreciate that Orcadians were not the champions of either the Norwegian or Scottish nation, but were rather, as Imsen describes them, 'a people in their own right, appearing under the political mantle of "the country" (*landet*)'.⁸⁸ Equipped with their own localized

88 Imsen 2012, 21.

sense of identity and patria, there is no evidence to suggest that Orcadians were adverse to shifts in the ethnic composition of their community or to the apparent predominance of men with Scottish roots and Scottish connections in positions of communal authority.

Nativism was nevertheless a palpable feature of public life along the frontier. Reservation of governmental authority to 'good countrymen' and 'good-men of the country' illustrates the inhabitants' fears of interference by alien and unqualified individuals, such as the foreign men who plagued the country during the tyrannical reign of David Menzies of Weem. However, recognizing that communal identity was not dependent on national origin, we must look for alternative criteria for social exclusion. As concluded in the previous chapter, law was a fulcrum around which different branches of identity revolved. Applying Barth's model, we found that inhabitants cultivated both median- and macro-level identities vis-à-vis their affiliation to law. At the median level, Orcadians who collectively practiced Norwegian law and Orcadian custom developed a sense of community and affiliation to their country. At the macro level, their allegiance to Norway's rulers as the proprietors of those laws and customs encouraged Orcadians to look to the crown as the epitome of legitimate rule, and, by extension, to regard themselves and their country as part of a wider state system under the mantle of that rule. As law could be used as the crucible for identity and integration at those two levels, it could also be the litmus test for exclusion: islanders who broke or disavowed the native laws were alien and unwelcome in the eyes of Orcadians. While Orcadians were probably equally appreciative of origin as we are today and could readily distinguish local native-born men from foreign-born individuals, the social and demographic dynamics of the frontier, which encouraged continual movement between jurisdictions, prevented the development of hard-line policies that promoted the former and excluded the latter. Ultimately, identity was less a question of native birth and more a matter of native behaviour.

Conclusion

It is commonly maintained that the concept and practical figuration of political borders evolved in line with early modern concepts of territorial sovereignty, as articulated through the Westphalian model of the seventeenth century, and stood in stark contrast to the fragile mechanisms for political control at the margins of adjacent kingdoms in earlier eras. In an age in which sovereignty supposedly began with a lord and ended with a vassal, medieval concepts of territoriality were supposedly too undeveloped to facilitate spatio-political organizations. This view is manifested in previous research by Barbara E. Crawford, who stresses the role of individual earls in dictating affairs in Orkney, be it in accordance with, or in opposition to, the strategies advanced by Norway's monarchs.¹

The preceding investigation, however, worked from the premise that medieval rulers were not only able to conceive of lordship in territorial dimensions, but also appreciated the value of articulating it in those terms, both in international diplomacy and domestic law. King Magnus VI's declaration of dominion over the 'lands and islands of Orkney and Shetland' in 1266 left no ambiguity as to the territorial dimension of the Norwegian crown's authority, for it delineated distinct physical spaces in which the negotiating partner, Scotland, had no legal scope of action. This was not unique to Orkney. Concepts of territoriality had been crystallizing in mainland Norway since at least the ninth century and were exploited by kings in the border agreements with Scandinavian neighbours in the late twelfth and early thirteenth centuries. While limited logistical solutions may have inhibited the physical enclosure of vast territories, there is no reason to doubt contemporaries' ability to envision political proprietorship over those territories any more than they did over small estates and farmlands.²

¹ Crawford 2013.

² As Raingard Esser and Steven G. Ellis have recently articulated, the traditional view of frontiers as being diffuse and zonal has prudently encouraged consideration of contact and exchange, but has also dissuaded fruitful investigation of political boundaries as barometers for inclusion and exclusion (Esser and Ellis 2013, 9). In particular, they emphasize that amidst zonal frontiers of convergence, we should still appreciate boundaries of jurisdiction with which rulers could articulate their authority over specific communities and separate 'areas in which these rights applied from those where they did not' (ibid., 10). If distinguishing jurisdictional authorities was easiest at local levels, it was also possible, at least in theory, on far greater planes. This was already evident in the early medieval '*finis imperii et regni*', a division between Saxonian and Frankish realms that developed from the Treaty of Verdun of 843 (Daniel Power, 'French and Norman Frontiers in the Central Middle Ages', in idem

Recognizing this, the challenge was then to offer alternative explanations for the continued contact, movement and acculturation of individuals and groups between Norwegian and Scottish jurisdictions in the late Middle Ages. If political philosophies were not too inchoate to allow for the articulation of territorial lordship or the delineation of borders in international accords, the permeability of the Norwegian-Scottish frontier must be attributed either to the failure of rulers and other officials in regulating movement across the jurisdictional border or, alternatively, to the advancement of an open-border policy which condoned that movement. Analysis of the original Treaty of Perth (and its renewed versions from 1312 and 1426) as well as subsequent diplomatic accords between Norwegian and Scottish monarchs points to the latter explanation – that rulers generally supported movement between their respective domains. We can infer, based on the peace-making objectives of those agreements, that interaction between neighbouring communities, be it for purposes of commerce, pilgrimage, diplomacy or otherwise, was regarded as a fundamental feature of frontier society and, in theory, was conducive to peace. In some arenas, kings specifically endorsed the travel of Scots to Orkney, extending protections to stranded merchants and encouraging its own officials to recruit militants from beyond the border in the exigency of war. All of this implies that monarchs did not perceive mobility and socialization across the border as threats to their dominion.

In order to rationalize this, we must reiterate the distinct premises for political organization in mainland Norway and the tributary provinces. Whereas statehood in mainland Norway was predicated in large part upon the emerging concept of Norwegian national cohesion, the tributary countries were extra-national entities that, although subject to the same monarchy, lay beyond the bounds of Norwegian society and demonstrated no ethnic or national affiliation to the mainland kingdom or its kings. These distinctions help explain why rulers were less concerned with controlling movement along the frontier than they were in mainland Norway: whereas unchecked mobility along the borders of the mainland kingdom could threaten to attenuate national solidarity and thus weaken the premises of political organization, it had no immediate consequence for the nature of Norwegian rule in Orkney.³

and Naomi Standen (eds.), *Frontiers in Question. Eurasian Borderlands, 700–1700*, New York 1999, 106). The concept that Frisian and Saxonian territories were separate has long been considered in the context of French and German national histories (e.g. Carlrichard Brühl, *Deutschland – Frankreich. The Geburt zweier Völker*, Cologne 1990).

3 In this respect, Orkney stands in contrast to the mainland frontiers of Norway. Whereas the former was by all measures an extra-national community, aligned with the Norwegian-controlled state but separate from the Norwegian nation, the inland frontier

Unconcerned about the effect of mobility on Orkney's national disposition, kings often went to lengths to encourage it. From 1266 onward, the Norwegian-Scottish frontier was endorsed as a thoroughfare for peaceful discourse between political allies. In spatial terms, Orkney provided a widely accessible platform for diplomatic summits. This is demonstrated in the Treaty of Perth's stipulation of Kirkwall as the drop point for the 'annual' payments (itself a token of peace between Scottish and Norwegian kings) and the choice of Orkney as the point of convergence for English, Scottish, Norwegian and Orcadian statesmen upon the occasion of Maid Margaret's voyage across the North Sea in 1290. In terms of personnel, the inhabitants of Orkney, being familiar with political landscapes both north and south of the frontier, were often relied upon to mediate between the Norwegian and Scottish crowns. This is exemplified with the bishops of Orkney, who conducted peace talks between rulers between 1263 and 1266 and continued to be used as diplomats throughout the later Middle Ages. Not only were they charged with orchestrating the transfer of the 'annual' in Kirkwall, they were also dispatched to intermittent summits, and played a pivotal role in the marriage negotiations that brought about Orkney's impignoration to Scotland in 1468. Orkney's earls, although military commanders by tradition, could also serve in the production of peace. With bipartite affiliations to Norway and Scotland, earls were often called upon to communicate political agendas between the two kingdoms, mediate disputes and thus maintain a balance in North Sea relations. The stance taken in previous research, that the earls' dual allegiance was a fundamental dilemma, is rooted in the assumption that Norwegian and Scottish rulers consistently vied for influence along the frontier and would thus call upon their mutual vassals, the earls, to renege on their obligation to one in support of the other. The preceding analysis demonstrates, however, that peace generally prevailed in spite of intermittent controversies between the kingdoms, and that in this more

provinces of Båhuslen, along Norway's southwest perimeters, and Hålogaland in the north, regarded themselves as part of 'a Norwegian community' (Opsahl 2013). This counters popular concepts of regional frontier identities, wherein neighbouring communities likened to one another more than they did to more central state communities. For discussion see Esser and Ellis 2013. Like Opsahl, Anna Groundwater demystifies and nuances the concept of introvert frontier communities, showing that despite frequent cross-border interaction, Scottish communities along the Anglo-Scottish border maintained and in some cases emphasized their Scottish identity (Groundwater 2013). Crucially, whereas Båhuslen and the Scottish Borders were integral to the national kingdoms of Norway and Scotland, respectively, Orkney always enjoyed a semi-independent status within the multi-national realm of Norway.

harmonious environment, the 'duality' of loyalties demonstrated by earls, should be regarded as a potential asset.

The border envisioned in 1266 was intangible, yet not irrelevant. The full expression of Norway's dominion, including the collection of revenues from the lands and services in the isles, presupposed that kings could enact their jurisdiction within the named territories without interference from Scotland. Although this was largely theoretical in the first years after the signing of the Treaty of Perth, it came to fruition in the years after 1274 when King Magnus VI began exporting his consolidated law code to the tributary countries. Legal integration bolstered the Norwegian crown's authority over the territories and inhabitants at the peripheries of the realm, and although we do not know the sequence by which this occurred in Orkney, we can reasonably conclude that these isles were enveloped in Norwegian law sometime in the late fourteenth century. It appears that the crown regarded Norwegian law as the most relevant medium through which to cultivate its dominion over Orkney. Based both on evidence from other Norse communities and from later sources in Orkney, we can also appreciate that Orcadians regarded one's adherence to law as a benchmark for naturalization and communal membership.

However, scholars have often underplayed or openly doubted the effectiveness of these peace-making strategies, pointing to Orkney's transfer to Scotland in 1468 as evidence for the continuation of geo-political tensions between the kingdoms of Norway and Scotland. One can argue that the Norwegian crown's preservation of the earldom of Orkney, an institution with a decidedly militant character, bears witness to the threats posed by the Scottish crown. Indeed, Norway's rulers never failed to appreciate the risks associated with maintaining a community at the margins of another potent and militarily capable society. As is evident from the provisos of *Hirdskrá*, the earls were to protect the lands granted to them on behalf of the king and be ready to employ their forces elsewhere if called upon to do so. The reiteration and augmentation of such military obligations in the charters of Earls Henry I (1379) and William I (1434), also demonstrated that, despite the general tenor of peace, military matters could not be neglected. However, obligations for frontier defence cannot have been inspired solely, or even primarily, by concerns of resurging hostilities between the Norwegian and Scottish crowns. The only documented breaches of peace along the frontier in the fourteenth century were those committed by unidentified malefactors (as in 1312) and domestic rivals (as in 1369), neither of which bore endorsement from the Scottish crown. Moreover, interdictions on the unsolicited construction of fortifications and the unwarranted instigation of conflict with foreign powers demonstrated the Norwegian crown's reluctance

to endorse private military enterprises or allow the gestation of conflicts that might infringe upon its alliance with Scotland. The earldom's function lay less in its practical military prowess, and more in its ability to maintain a militant façade.

Admittedly, the portrait of frontier society communicated in normative texts cannot fully account for real-world adversities. Yet, even in practice, tensions between the crowns of Norway and Scotland were remarkably limited. Never openly endorsing violence along the frontier, the Scottish crown was accused of clandestine aggression against the king of Norway's subjects or territories on only one known occasion, in 1457, although these accusations were based on unverified rumours. Far more evident was the Scottish crown's receptiveness to Norway's appeals for support in the north. Although prone to abstain from intervention in frontier conflicts, Scottish kings were nevertheless willing to engage in resolution strategies when petitioned by their Scandinavian counterparts, as in 1312 or 1358, or by Orkney's earl, as in 1461. That is not to imply that Scots never caused problems or that islanders never perceived a foreign threat. The malefactors who despoiled Orkney (and Shetland) in the early fourteenth century, as well as Duncan Anderson, the self-proclaimed but unsanctioned guardian of the earldom in 1357, were regarded as men 'of Scotland'. Crucially, however, their illicit activities were also condemned by Scottish kings who assisted their Norwegian counterparts in quashing their enterprises in the north. The same can be said of the devastating attacks by 'Wild Scots' in the 1420s and 1460s. Almost certainly originating in the Hebrides and drawing support from the lord of the Isles' wider sphere of influence, these were raiders out for plunder, rather than conquest and occupation, and thus posed no durable threat to Norwegian dominion. The ringleader of the assaults in or around 1460, John MacDonald, earl of Ross and lord of the Isles, was one of the most dreaded yet politically marginalized figures in the kingdom of Scotland at the time, with Kings James II and James III investing great energy in stifling his power along Scotland's western seaboard. By referring to their adversaries as 'Wild-Scots' (*willeschotta*; *scoti siluestribus*), an exacting designation in wide usage in contemporary Scotland, Orcadians also differentiated between what they perceived as being untamed and unwelcome Highlanders, and cultivated and politically allied Lowlanders.⁴ Crucially, the Scottish crown was portrayed

4 Looking beyond the Orcadians' logical antipathy toward their attackers from Scotland's western seaboard, the similarities between the pejoratives used by Orcadian and Lowland observers also demonstrates the translatability of 'old world' prejudices, whereby immigrants carry over antipathies cultivated in their homelands and expressed them in this new environment. This is seen in, for example, the history of immigration in the United States, where one

by the Orcadians as sympathetic to their plight and against to their adversaries, who were equally threatening to Scottish royal interest on the mainland.⁵

Evidence thus suggests that the Scottish crown supported, rather than contested or undermined, Norwegian interests in the region. This prompts the question of what compelled Orkney's transfer to Scotland in 1468, if it was not pressure from the king of Scots and his agents? Another popular explanation is that Orcadians, having been imbued with Scottish cultural and social mores, were prone to gravitate more toward Scotland than toward Norway. As previous research has underscored, Orkney indeed underwent a cultural metamorphosis in the fourteenth and fifteenth centuries. Whereas saga narratives tell us that the given names and patronymic surnames of the local elites were predominantly Norse in the early thirteenth century, documental sources from the fourteenth and fifteenth centuries demonstrate that a significant portion of Orkney's secular and clerical elite had forenames and toponymical appellations derived from Scotland. Perhaps unsurprisingly, Scots English became the preferred vernacular among the peasant elite by at least the 1430s, a shift that clearly illustrates the degree of Scottish cultural influence on the isles. Thus, late medieval Orkney had the plasticity that so commonly characterizes frontier societies.

But did acculturation with Scotland actually compel Orcadians to shift their political loyalty? The preceding study reveals no correspondence between the islanders' cultural traits and political affiliations. Throughout the period in focus, the perceptible cultural and social characteristics along the frontier were more liminal, and thus less categorically national (e.g. Norwegian or Scottish) than was maintained in older scholarship. Furthermore, Orcadian identity was not defined by ethnic or linguistic features, but rather by the islanders' affiliation to the local space, the local communal administration and the laws upon which that administration was founded. Recognizing this, we may better rationalize the anti-foreign programs advanced by Orkney's heterogeneous population in the fourteenth and fifteenth centuries. Terms long held as reflecting ancestral affiliation and origin, including '*jnlenzka*' and '*her af landit*', did not necessarily pertain to the subjects' origins, but rather to their membership or naturalization in the civic community. By the same token, the concept of foreignness was made thematic, not as a means of delineating immutable

found 'vestigial remains of the Old World religious wars and of its racial antipathies' (Everett R. Clinchy, *All in the Name of God*, New York 1932, 10–11), or in tensions between Turkish and Kurdish minorities in Europe (Bahar Baser, *Diasporas and Homeland Conflicts. A Comparative Perspective*, Farnham 2015).

5 Petre 2015.

boundaries between indigenous and immigrant groups, but rather in order to distinguish constituents of the civic community, be they native or naturalized, from interlopers.

The preponderance of evidence thus refutes the two most widely-accepted theories as to why Orkney eventually came under the mantle of the Scottish authority: it was neither the outcome of a longstanding struggle between national kingdoms, nor a symptom of 'Scottification'. Challenging these theories clears the way for more tenable economic and political explanations. While Norway's union monarchs of the late fourteenth and fifteenth centuries never abnegated their dominion over the tributary countries in the west, they demonstrated less zeal in maintaining and modernizing economic and political ties with them. From a cost-benefit standpoint, this makes perfect sense. Even without a reliable estimate on the potential income available from the tributary countries, there can be little doubt that the combined total paled in comparison to the opulent revenues of the herring fisheries of Scania and other Baltic trade enterprises.⁶ Although somewhat less profitable, the dried codfish trade in Bergen also thrived enough to outshine the small-scale income available from Orkney.⁷ With grain as its principal commodity, revenues from the isles would have made hardly a splash in the wider economy of the Scandinavian union. With ample access to cereal producing regions in Denmark, or via trade with Northern Germany, monarchs had little use for the relatively meagre revenues available from Orcadian grain.⁸ By the late Middle Ages, the crown may not have enjoyed any real economic returns from Orkney, aside from that which comprised the benefices for Orcadian officials.⁹

6 Carsten Jahnke, "The Medieval Herring Fishery in the Western Baltic", in Louis Sicking and Darlene Abreu-Ferreira (eds.), *Beyond the Catch. Fisheries of the North Atlantic, the North Sea and the Baltic, 900–1850*, Leiden 2009, 175; Poul Holm, "Fiskeriets økonomisk betydning i Danmark, 1350–1650", *Sjækl'en. Årbog for Fiskeri- og Søfartsmuseet*, 1998, 20–21; Vivian Etting, *Queen Margret I (1353–1412) and the Founding of the Nordic Union*, Leiden 2004, 44. An estimated 100,000 Rostock barrels, holding 84,000,000 individual herring, could be exported from Scania per annum in the Middle Ages (Poul Holm, "Catches and Manpower in the Danish Fisheries, c. 1200–1995", in idem and David J. Starkey (eds.), *North Atlantic Fisheries. Markets and Modernisation*, Esbjerg 1996, 177–80; Jahnke 2009, 178). Queen Margaret could mortgage toll revenues for Skanör and Falsterbo (the hub of the Scanian herring trade) at 5,000 marks per annum in 1401 (*ibid.*, 175).

7 It is estimated that the annual exports of dried codfish from Bergen to Lübeck amounted to 160 ships holding 6,400 lasts, or 12,800 tons (Friedland 1984, 543).

8 Nils Hybel and Bjørn Poulsen, *The Danish Resources c. 1000–1500. Growth and Recession*, Leiden 2007.

9 Grohse 2014c.

If the wealth from this frontier was negligible, then its prestige had diminished in turn. By the fifteenth century, union monarchs were enthralled with aspirations of lordship in Northern Germany, honours which better appealed to their sense of grandeur on a European stage than did the comparatively pastoral archipelagos in the west.¹⁰ Recognizing the modest incentives for maintaining the frontier islands, it becomes easy to rationalize King Christian I's willingness to cover his debts by pledging Orkney in 1468.¹¹ The loss of those isles cost the king little in terms of money or prestige and in fact alleviated an economic burden while enabling a marriage that would enhance the esteem of the Scandinavian royal court. Whereas Orkney had once been a matter of great geo-political relevance to the Norwegian and Scottish crowns in 1266, it was marginally consequential for North Sea geo-political relations in 1468. The impignurations were less the manifestations of societal change, as they were the expressions of the Danish-Norwegian king's indifference toward islands whose economic and symbolic relevance had long since waned.

But the country of Orkney's bond with Norway and Scandinavia was still strong when the helm of governance changed hands in 1468. Despite its culturally Scottish trappings, the peasant elite of Orkney retained a system of communal self-governance rooted in Norwegian law, and would only unwillingly relinquish it under the despotic rule of the Stewart earls in the sixteenth and early seventeenth centuries.¹² As Imsen has demonstrated in his studies on Norway and the tributary countries, the tradition of communalism was, for peasants, grounded in the immutable laws of Norway's most celebrated rulers and evidently capable of weathering major shifts at the highest echelons of royal governance.¹³ In the case of Orkney, it appears that as long as peasants could maintain their previous rights to local self-determination, they remained loyal to Norwegian law and to those kings who safeguarded it. This may explain the apparent ease by which peasants submitted to the authority of the Scottish king in 1468. Whereas King Alexander III pledged to introduce Scottish laws to the inhabitants of the Hebrides and Man in 1266 (and thus reckoned with some level of emigration as a result), King James III merely held the Northern

10 Several years prior to releasing Orkney to Scotland, in 1460, King Christian I augmented his titles when he became duke of Schleswig and count of Holstein-Rendsburg, acquisitions for which he pledged to compensate other pretenders, including his siblings and the Schauenburg line of Holstein-Pinneberg. Unable to make those payments, Christian I raised taxes throughout his realm, a strategy that was particularly unpopular in Sweden.

11 Hørby 1969 discusses Christian I's economic tribulations.

12 On the Stewart earls' 'corruption of the lawis' see e.g. Anderson 2012, 239–40.

13 Imsen 1990, *idem* 1994, *idem* 1999b.

Isles on loan after 1468/69, and in principle, lacked the authority to reform or remove the Norse laws to which the Orcadians had so long lived. Thus, the impignoration of the isles did not alter the legal and structural premises of the community and may not have had any immediate resonance in the daily lives of Orkney's peasants. Just as the union monarchs in Copenhagen pledged to protect the ancient laws of Norwegian kings, the Stewart kings in Edinburgh implied their respect of those laws, making no overtures of legal reform in Orkney. In doing so, they pre-empted the threat of resistance among Orkney's peasants, who viewed maintenance of legal tradition as the salient function of kingship.

On occasion, Orcadians expressed concern over the loss of those traditions. Already in 1425, they had criticized the Norwegian crown for appointing foreigners as governors, and placing their community under the thumb of men with little appreciation for local laws and customs. Almost certainly an allusion to the recently appointed (and recently ousted) royal agent, David Menzies of Weem, their protest is often said to reflect the unsettling denationalization and subsequent 'Scottification' of the late medieval frontier. Yet their simultaneous support of Earl William I, a young man whose ties to Scotland must have been equally appreciable at the time, suggests that peasants were less concerned with officials' national origins than with their local affiliations. Menzies had come to Orkney not by popular invitation, but rather through the personal appointment of Earl Henry II, an appointment that King Eric III later acknowledged. The problem thus lay in the crown's allowance of sub-delegated authority, on the one hand, and its passivity in curtailing unruly crown officials and their deputies on the other. Throughout the Norwegian realm, peasants struggled to protect their rights and legal traditions against the despotism of crown-appointed fief-holders and their deputies, many of whom demonstrated little regard for local laws and customs. Although long regarded by Norwegian historians as an anti-foreign movement, popular resistance to these men reflected a more fundamental concern over the dubious qualifications of local and regional executive officials, the crown's oversight and control of those officials, and the overall declining quality of administration at the local communal level.¹⁴ The objections levelled by Orcadians were not symptoms of frontier turbulence, but were expressions of the same concerns over the state of governance seen throughout the realm of Norway, both on the mainland and in the tributary countries.

Placed in a wider European context, the Norwegian-Scottish case is in some respects a unique example of a pre-modern frontier. First, its exceptional

14 For the potential motives of peasant unrest in late-medieval Norway see Imsen 1998.

insular geography, which was readily differentiated from mainland Scotland, facilitated the delineation of spatial boundaries between Norwegian and Scottish dominion more readily than was possible in the unbroken marchlands of central Britain or Continental Europe.¹⁵ Second, the frontier was constituted and regulated bilaterally between Norwegian and Scottish monarchs and conceived of as an avenue for peaceful interface between Norse and Scottish spheres. This is testament to the strength of the Treaty of Perth, an agreement that removed any lingering uncertainties about the boundaries of Norwegian and Scottish jurisdiction and placated outstanding geo-political tensions. While such notions of peace and jurisdiction could have been invalidated in the event of hostility between the kingdoms, monarchs on both sides sustained the alliance through active diplomacy, thereby conciliating most concerns about one another's territorial, economic and political aspirations. Rarely were Europe's monarchs so predisposed to long-term alliance or willing to curtail future geopolitical aspirations by way of durable border agreements with their neighbours.¹⁶

Finally, although social and political affiliations along the Norwegian-Scottish frontier often intersected, they were less conflated and contentious than one might expect. The biographies of Orkney's earls demonstrate the plasticity of individual identities and show that men could pledge their loyalty to two different kings. While this could have created a quandary in the advent

15 Nikolas Jasperts' thorough survey of frontier terms and historiographies, for instance, derives examples from the Iberian Peninsula, the southern Baltic, central and southwestern Europe and the British mainland, whereby the 'zonal' character of frontiers typically pertains to terrestrial spaces (Jasperts 2007). Orkney is somewhat unique in the wider study of medieval frontiers due to its maritime and insular character and moves away from the 'continental bias' of global history (for bias, see e.g. Louis Sicking, "Islands and Maritime Connections, Networks and Empires, 1200–1700: Introduction", *International Journal of Maritime History* 26, 2014, 489–93). While limited, insular dimensions of frontier history have been explored in the Mediterranean islands of Crete (e.g. Sally McKee, *Uncommon Dominion. Venetian Crete and the Myth of Ethnic Purity*, Philadelphia 2000) and Cyprus (e.g. Theodore Papadopoulos, "Frontier Status and Frontier Processes in Cyprus", in Anthony Bryer and George S. Georghallides (eds.), *The Sweet Land of Cyprus*, Nicosia 1993, 15–24).

16 The Anglo-Scottish border of the late Middle Ages and early Modern Era provides an interesting comparison in this respect. Constituted with the Treaty of York in 1237, the border established a precedent of territorial lordship that would shape relations between the two kingdoms and frame concepts of nationhood for centuries to come. See e.g. Anthony Goodman, "The Anglo-Scottish Marches in the Fifteenth Century: A Frontier Society?" in Roger Mason (ed.), *Scotland and England, 1286–1815*, Edinburgh, 1987, 18–33; Geoffrey W.S. Barrow, "The Anglo-Scottish Border", *Northern History* 1, 1966, 21–42).

of a Norwegian-Scottish war, as had been the case in 1263, the danger was largely mitigated by the kings' reiterations of peace and alliance from 1266 onward. Earls could be expected to enjoy a high political standing in both realms while adhering to the respective laws and obligations within the two distinct jurisdictions. Although we tend to view the multiple allegiances of medieval vassals as symptomatic of rudimentary and flawed traditions of political organization, we should appreciate that contemporary rulers could sanction political mobility among their vassals without directly mitigating their own authority. Alastair J. Macdonald outlines a similar phenomenon in his study of the medieval earls of Dunbar, Scottish nobles of English lineage who were often trusted by kings on both sides of the Anglo-Scottish frontier.¹⁷ As in Orkney, the dual-loyalties of Dunbar earls could, but did not unavoidably lead to conflict. Although the founder of the Scottish Dunbar line, Earl Cospatric I, was given 'striking powers' in Northumberland by King Henry I of England in the eleventh century, 'having a reliable regulatory presence on both sides of the Tweed was unproblematic with friendly and like-minded monarchs such as David I and Henry I ruling the two realms'.¹⁸ Peace along the Anglo-Scottish frontier was admittedly short-lived, and animosity between kings in later centuries compelled the earls of Dunbar to frequently switch allegiances. Their endurance as frontier lords until the fifteenth century can thus be attributed to their 'brilliant adaptability' to conflict between different national fronts.¹⁹ If Orkney's earls were also astute in adapting to different political environments, the longevity of peace between Norwegian and Scottish monarchs meant that the earls' genius in negotiating conflict was rarely tested to the same degree. While imperfect, and subject to concerns over the holders' potentially conflated allegiances, the case of Orkney suggests that dual membership in two polities could, in fact,

17 Alastair J. Macdonald, "Kings of the Wild Frontier? The Earls of Dunbar or March, c.1070–1435", in Steve Boardman and Alasdair Ross (eds.), *The Exercise of Power in Medieval Scotland c.1200–1500*, Dublin 2003, 139–58. As Anna Groundwater points out, however, cross-border interactions did not completely obscure the boundaries of jurisdiction between the kingdoms; rather, neighbouring communities continued to belong into distinct political and national fronts, partitioned by a clear borderline even after the union of the English and Scottish crowns in 1603 (Groundwater 2013). See generally idem, *The Scottish Middle March, 1573–1625. Power, Kinship, Allegiance*, Woodbridge 2010. From this perspective, the cross-border activities of frontier lords (like the earls of Dunbar and the earls of Orkney) are not evidence for a lack of administrative separation (ibid., 24–26; cf. Goodman 1987, 19, 22–23, 29).

18 Macdonald 2003, 140.

19 Ibid., 156.

strengthen those polities' alliances, provided that the sanctioning bodies of both parties were fully on board in times of peace.

Throughout the late Middle Ages, Orkney was a frontier community allegiant to one monarchical state and allied with another. Although this arrangement eventually came to an end, the years between 1266 and 1468 can be viewed as a successful and long standing experiment in cooperative frontier management. During its existence, it furthered the political aims of both Norway and Scotland, and although it remained a dominion of the Norwegian crown, and was thus subject exclusively to the prerogatives of Norway's kings, its functionality was palpable on both sides of the North Sea. With a fairly limited degree of conflict and violence, it contributed to sustained peace between the two crowns, and when changing economic and political conditions diminished the Norwegian crown's need for anchorage in the region, the storehouse of diplomatic and cultural transfer allowed for Orkney's peaceful transition under Scottish control.

Bibliography

Primary Sources

- The Acts of the Parliaments of Scotland*, vol 1, edited by Cosmo Innes et al Edinburgh 1814.
- The Antient Kalendars and Inventories of the Treasury of his Majesty's Exchequer*, vol. 1, edited by Francis Palgrave. London 1836.
- Bandamanna saga*, edited by Hallvard Magerøy. Oslo 1981.
- Soga om birkebeinar og baglar. Bøglunga sögur*, edited by Hallvard Magerøy. Oslo 1988.
- Brennu-Njáls saga*, edited by Einar Ólafur Sveinsson, *Íslenzk fornrit* 12. Reykjavík 1954.
- Caithness and Sutherland Records*, vol. 1, edited by Alfred W. Johnston and Amy Johnston. London 1909.
- Calendar of Papal Letters to Scotland of Clement VII of Avignon 1378–1394*, edited by Charles Burns. Edinburgh 1976.
- Campbel of Monzie Papers*, Archival Collections, University of Guelph Library.
- Chronica Gentis Scotorum, Johannes de Fordun*, vol 1, edited by William Skene, Edinburgh 1871.
- La Monarchie de France et deux autres fragments politiques*, Claude de Seyssel, edited by Jacques Poujol. Paris 1961.
- Diplomatarium Christierni Primi. Samling af aktstykker, diplomer og breve henhørende til Kong Christiern den Førstes Historie*, edited by Hans Knudsen. Copenhagen 1856.
- Diplomatarium Islandicum. Íslenykt fornbréfasafn*, 16 vols., edited by Jón Sigurðsson et al Copenhagen 1857–1972.
- Diplomatarium Norvegicum*, 21 vols., edited by Christian C.A. Lange et al Christiania and Oslo 1849–1995.
- Early Sources of Scottish History, A.D. 500 to 1286*, vol. 2, edited by Alan O. Anderson. Edinburgh 1922.
- Fasti Ecclesiae Scoticanæ Medii Aevi ad annum 1638*, edited by Donald E.R. Watt and Athol Murray. Edinburgh 2003.
- Grágás. Efter det Arnamagnæanske Haandskrift Nr.334 fol, Staðarhólsbók*, edited by Vihjálmur Finsen. Copenhagen 1879.
- Heimskringla*, vol. 3, edited by Bjarni Aðalbjarnarson, *Íslenzk fornrit* 28. Reykjavík 1951.
- Historia Majoris Britanniae, tam Angliae quam Scotiae. Ioanné Maiorem*. Paris 1521.
- Historia Norwegie*, edited by Lars B. Mortensen and Inger Ekrem. Copenhagen 2006.
- Historiske Bescriffuelse om huis sig haffuer tildraget under den stormectigste Første oc Her Christiern den Første*. Copenhagen 1599.

- History of the MacDonalds*, in *Highland Papers*, vol. 1, edited by James R.N. MacPhail. Edinburgh 1914.
- Hirðskrá. Hirdloven til Norges konge og hans håndgangne menn: Etter AM 322 fol.*, edited by Steinar Imsen. Oslo 2000.
- Holinshed's Chronicles of England, Scotland and Ireland*, vol. 3, edited by John Hooker et al. London 1808.
- Islandsk annaler indtil 1578*, edited by Gustav Storm. Christiania 1888.
- Jónsbók. The Laws of Later Iceland*, edited by Jana K. Schulman. Saarbrücken 2010.
- Magnúss saga lagabætis – Sögubrot Magnúss Konúngs Hákonarsonar*, in *Fornmanna Sögur. Eptir gömlum handritum* 10, 155–63. Copenhagen 1835.
- Nidrag sögu Hakonar Hakonarsonar*, in *Fornmanna sögur. Eptir gömlum handritum*, vol. 10, 1–154. Copenhagen 1835.
- Norges Gamle Love. Anden række 1388–1604*, 4 vols., edited by Absalon Taranger et al. Christiania and Oslo 1904–1995.
- Norges gamle Love indtil 1387*, 4 vols., edited by Rudolf Keyser et al. Christiania 1846–1895.
- Oppressions of the Sixteenth Century in the Islands of Orkney and Zetland from Original Documents*, edited by David Balfour. Edinburgh 1859.
- Orcades Seu Rerum Orcadensium Historiae*, Tormod Tofæus. Copenhagen 1715.
- Orkneyinga saga. Íslenzk Fornrit*, vol 34, edited Finnboði Guðmundsson. Reykjavík 1965.
- Orygynale Cronykil of Scotland, Androw of Wyntoun*, vol. 3, edited by David Laing. Edinburgh 1872–79.
- Records of the Earldom of Orkney*, edited by J. Storer Clouston. Edinburgh 1914.
- Regesta Norvegica*, 8 vols., edited by Gustav Storm et al. Oslo 1989–2006.
- Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland*, vol. 1, edited by John M. Thomson. Edinburgh 1882.
- Rotuli Scaccarii Regum Scotorum. The Exchequer Rolls of Scotland*, 23 vols., eds. John Stuart et al, Edinburgh 1878–1908.
- Registrum Episcopatus Aberdonensis. Ecclesie Cathedralis Aberdonensis Regesta Que Extant in Unum Collecta*, 2 vols., ed. Cosmo Innes, Edinburgh 1845.
- Saga Hakonar Hakonarsonar til falls Skula Hertog*, in *Fornmanna sögur. Eptir gömlum handritum*, vol. 9, 229–535. Copenhagen 1835.
- Scotichronicon, Walter Bower in Latin and English*, vol. 1, edited and translated by John MacQueen and Winifred MacQueen. Edinburgh 1897.
- Scriptores Rerum Danicarum Medii Aevi*, vol. 8, edited by Jacobus Langebek, Copenhagen 1834.
- Shetland Documents 1195–1579*, edited by John H. Ballantyne and Brian Smith. Lerwick 1999.
- Seyðabrævið*, edited by Jóhan H.W. Poulsen and Ulf Zachariesen. Torshavn 1971.
- Miscellany of the Bannatyne Club*, vol. 3. Edinburgh 1855.
- Sverris saga. Etter cod. AM 327 4º*, edited by Gustav Indebjør. Oslo 1981.

Secondary Works

- Abulafia, David. "Introduction: Seven Types of Ambiguity, c. 1100–c. 1500", in *Medieval Frontiers. Concepts and Practices*, edited by David Abulafia and Nora Berend, 1–31. Aldershot: Ashgate, 2002.
- Abulafia David and Nora Berend (eds.). *Medieval Frontiers. Concepts and Practices*. Aldershot: Ashgate, 2002.
- Airey, Jennifer. *The Politics of Rape. Sexual Atrocity, Propaganda Wars, and the Restoration Stage*. Newark: University of Delaware Press, 2012.
- Alexander, Derek, Tim Neighbour and Richard Oram, "Glorious Victory? The Battle of Largs, 2 October 1263". *History Scotland* 2 (2002): 17–22.
- Andersen, Dorte, Martin Klatt and Marie Sandberg (eds.). *The Border Multiple. The Practicing of Borders between Public Policy and Everyday Life in Re-scaling Europe*. Farnham: Routledge, 2012.
- Andersen, Per Sveaas. "Sysselmann", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*, vol. 17, edited by Finn Hødnebo, cols. 654–56. Copenhagen: Gyldendal, 1972.
- Andersen, Per Sveaas. "Et notat til diskusjonen om dokumentet av 17. juni 1308". *Historisk Tidsskrift* 52 (1973): 61–66.
- Andersen, Per Sveaas. *Samlingen av Norge og kristningen av landet 800–1130*. Oslo: Universitetsforlaget, 1977.
- Andersen, Per Sveaas. "Den norske innvandringen til Hebridene i vikingtiden og den nor-røne bosetningens senere skjebne". *Historisk Tidsskrift* 3 (1994): 256–85.
- Andersen, Per Sveaas. "Nordisk innvandring, bosetning og samfunnsdannelse på Isle of Man i middelalderen". *Collegium Medievale* 8 (1995): 5–50.
- Anderson, Benedict. *Imagined Communities. Reflections on the Origins and Spread of Nationalism*. London: Verso, 1983.
- Anderson, Joseph. Introduction to *The Orkneyinga Saga*. Edinburgh: Edmonston and Douglas, 1873.
- Anderson, Peter. "Cathedral, Palace and Castle: The Strongholds of Kirkwall", in *The Faces of Orkney: Stones, Skalds and Saints*, edited by Doreen Waugh, 81–93. Edinburgh: Scottish Society for Northern Studies, 2003.
- Anderson, Peter. *The Stewart Earls of Orkney*. Edinburgh: Birlinn, 2012.
- Åndren, Anders. "Against War! Regional Identity Across a National Border in Late Medieval and Early Modern Scandinavia". *International Journal of Historical Archaeology* 4 (2000): 315–44.
- Apostolov, Mario. *The Christian-Muslim Frontier. A Zone of Contact, Conflict or Cooperation*. London: RoutledgeCurzon, 2004.
- Armstrong, Jackson. "The Justice Ayre in the Border Sherifffdoms, 1493–1498". *Scottish Historical Review* 92 (2013): 1–37.

- Axel Kristinsson. "Embættismenn konungs fyrir 1400". *Saga* 30 (1998): 113–52.
- Bäcklund, Jessica. "War or Peace? The Relations between the Picts and the Norse in Orkney". *Northern Studies* 36 (2001): 33–48.
- Bagge, Sverre. "Borgerkrig og statsutvikling i Norge i Middelalderen". *Historisk Tidsskrift* 65 (1986): 145–97.
- Bagge, Sverre. *Society and Politics in Snorri Sturluson's Heimskringla*. Berkeley: University of California Press, 1991.
- Bagge, Sverre. "Samfunnsbeskrivelsen i *Heimskringla*. Svar til Birgit Sawyer". *Historisk tidsskrift* 2 (1994): 205–15.
- Bagge, Sverre. "Nationalism in Norway in the Middle Ages". *Scandinavian Journal of History* 20 (1995): 1–18.
- Bagge, Sverre. *Fra knyttneve til scepter. Makt i middelalderens Norge*. Bergen: Makt- og demokratiutredningen 1998–2003, 2003.
- Bagge, Sverre. "Mellom kildekritikk og historisk antropologi. Olav den Hellige, aristokratiet og rikssamlingen". *Historisk Tidsskrift* 81 (2002): 173–212.
- Bagge, Sverre. *Kings, Politics, and the Right Order of the World in German Historiography, c. 950–1150*. Leiden: Brill, 2002.
- Bagge, Sverre. "Snorre og Wie es eigentlich gewesen. Svar til Birgit Sawyer". *Historisk tidsskrift* 82 (2003): 285–96.
- Bagge, Sverre. *From Viking Stronghold to Christian Kingdom. State-Formation in Norway, c. 900–1350*. Copenhagen: Museum Tusculanum Press, 2010.
- Bagge, Sverre. *Cross and Scepter: The Rise of the Scandinavian Kingdoms from the Vikings to the Reformation*. Princeton: Princeton University Press, 2014.
- Bagge, Sverre. "Skandinavisk statsdannelse", in *Statsutvikling i Skandinavia i middelalderen*, edited by Sverre Bagge et al., 9–38. Oslo: Dreyer, 2012.
- Bandlien, Bjørn. "Showing the Dragon's Tongue: P.A. Munch's journey to Scotland, Orkney and London in 1849–1950". *Northern Studies* 44 (2013): 98–122.
- Bannerman, John. "The Lordship of the Isles", in *Scottish Society in the 15th Century. The Making of an Identity*, edited by Jennifer Brown, 209–40. London: Edward Arnold, 1977.
- Barrett, James. "The Pirate Fishermen: The Political Economy of a Medieval Maritime Society", *West Over Sea: Studies in Scandinavian Sea-Borne Expansion and Settlement Before 1300*, edited by Beverly Ballin Smith, Simon Taylor and Gareth Williams, 299–340. Leiden: Brill, 2007.
- Barrett, James. "Fish Trade in Norse Orkney and Caithness: A Zooarchaeological Approach". *Antiquity* 71 (1997): 616–38.
- Barron, Ewan. "Robert the Bruce in Orkney, Caithness and Sutherland". *Old Lore Miscellany* 2 (1909): 90–94.
- Barrow, Geoffrey W.S. "The Anglo-Scottish Border". *Northern History* 1 (1966): 21–42.

- Barrow, Geoffrey W.S. "The Army of Alexander III of Scotland", in *Scotland in the Reign of Alexander III 1249–1286*, edited by Norman Reid, 132–47. Edinburgh: John Donald, 1990.
- Barrow, Geoffrey W.S. "A Kingdom in Crisis: Scotland and the Maid of Norway". *Scottish Historical Review* 69 (1990): 120–41.
- Barrow, Geoffrey W.S. *Scotland and Its Neighbours in the Middle Ages*. London: Hembledon, 1992.
- Barrow, Geoffrey W.S. *Kingship and Unity. Scotland 1000–1306*, 2nd edition. Edinburgh: Edinburgh University Press, 2003.
- Barrow, Geoffrey W.S. *The Kingdom of the Scots: Government, Church and Society from the Eleventh to the Fourteenth Century*, 2nd edition. Edinburgh: Edinburgh University Press, 2003.
- Barrow, Geoffrey W.S. *Robert Bruce and the Community of the Realm of Scotland*, 4th edition. Edinburgh: Edinburgh University Press, 2005.
- Barry, Terry. "The Last Frontier: Defence and Settlement in Late Medieval Ireland", *Colony and Frontier in Medieval Ireland. Essays Presented to J.F. Lydon*, edited by Terry Barry, Robin Frame and Katharine Simms, 217–28. London: Hambledon, 1995.
- Barth, Fredrik. *Ethnic Groups and Boundaries. The Social Organization of Cultural Difference*. Oslo: Universitetsforlaget, 1969.
- Barth, Fredrik. "Enduring and Emerging Issues in the Analysis of Ethnicity", in *Anthropology of Ethnics. Beyond 'Ethnic Groups and Boundaries'*, edited by Hans Vermeulen and Cora Govers, 11–32. Amsterdam: Het Spinhuis, 1994.
- Bartlett, Robert. *The Making of Europe: Conquest, Colonization and Cultural Change, 950–1350*. Princeton: Princeton University Press, 1994.
- Bartlett, Robert and Angus MacKay (eds.). *Medieval Frontier Societies*. Oxford: Clarendon, 1989.
- Baser, Bahar. *Diasporas and Homeland Conflicts. A Comparative Perspective*. Farnham: Routledge, 2015.
- Bellamy, John. *Bastard Feudalism and the Law*. London: Routledge, 1989.
- Benedictow, Ole J. "Konge, hird og retterboten av 17. juni 1308". *Historisk tidsskrift* 51 (1972): 233–84.
- Bennet, Matthew. "The Impact of 'Foreign' Troops on the Civil Wars of King Stephan's Reign", in *War and Society in Medieval and Early Modern Britain*, edited by Diana Dunn, 96–113. Liverpool: Liverpool University Press, 2000.
- Berend, Nora. "Medievalist and the Notion of the Frontier". *The Medieval History Journal* 2 (1999): 55–72.
- Berend, Nora (ed.). *The Expansion of Central Europe in the Middle Ages*. Farnham: Routledge, 2013.

- Beuermann, Ian. "Not Worth the King's While? Manx-Hebridean Payments to Norway and the Insular Economy", in *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, edited by Steinar Imsen, 77–102. Trondheim: Tapir, 2011.
- Beuermann, Ian. "Jarla Sögur Orkneyja: Status and Power of the Earls of Orkney According to Their Sagas", in *Ideology and Power in the Viking and Middle Ages: Scandinavia, Iceland, Ireland, Orkney and the Faeroes*, edited by Gro Steinsland, Jón Viðar Sigurðsson and Ian Beuermann, 109–62. Leiden: Brill, 2011.
- Beuermann, Ian. "Norgesveldet South of Cape Wrath? Political Views, Facts, and Questions" in *The Norwegian Domination and the Norse World c.1100–c.1400*, edited by Steinar Imsen, 99–123. Trondheim: Tapir, 2010.
- Bjørge, Narve, Øystein Rian and Alf Kaartvedt, *Norsk utenrikspolitikk historie*. Vol. 1: *Selvstendighet og union. Fra middelalderen til 1905*. Oslo: Universitetsforlaget, 1995.
- Björn Þorsteinsson and Sigurður Lindal. "Lögfesting konungsvalds", in *Saga Íslands*, vol. 3, by Sigurður Lindal, 19–106. Reykjavík 1978.
- Björkvik, Halvard. "Jordeige og landskyld i Noreg i mellomalderen", in *Nyere middelalderstudier. Bosetning og økonomi. Norske historikere i utvalg*, vol. 5, edited by Claus Krag and Jørn Sandnes, 169–77. Oslo: Universitetsforlaget, 1981.
- Bloch, Marc. *Feudal Society*. Vol. 1: *The Growth and Ties of Dependence*, trans. L.A. Manyon. Chicago: University of Chicago Press, 1961.
- Blom, Grethe. *Kongemakt og privilegier i Norge inntil 1387*. Oslo: Universitetsforlaget, 1967.
- Blom, Grethe. "Skattland", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid fra vikingtid til reformasjon*, vol. 15, 1970, edited by Finn Hødnebo, cols. 446–50. Oslo: Gyldendal, 1970.
- Blom, Grethe. "Skydds brev. Norge", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid fra vikingtid til reformasjon*, vol. 16, 1971, edited by Finn Hødnebo, col. 38–41. Oslo: Gyldendal, 1971.
- Blom, Grethe. *Samkongedømme – Ene kongedømme – Håkon Magnussons Hertugdømme*. Trondheim: Universitetsforlaget, 1972.
- Blom, Grethe. "Ingebjørg med Guds miskunn kong Håkons datter, hertuginne av Sviarrike. Bruddstykker av et kvinneportrett". *Historisk Tidsskrift* 60 (1981): 422–54.
- Boardman, Stephen. *The Early Stewart Kings: Robert II and Robert III, 1371–1406*. East Linton: Tuckwell, 1996.
- Boardman, Stephen. "The Burgh and the Realm: Medieval Politics, c. 1100–1500", *Aberdeen Before 1800. A New History*, edited by Patricia Dennison, David Ditchburn and Michael Lynch, 203–22. East Linton: Tuckwell, 2002.
- Boardman, Stephen. *The Campbells 1250–1513*. Edinburgh: John Donald, 2006.
- Boardman, Stephen. "The Gaelic World in the Early Stewart Court", *Mìorun Mòr nan Gall, 'The Great Ill-Will of the Lowlander'? Lowland Perceptions of the Highlands*,

- Medieval and Modern*, edited by Dauvit Broun and Martin MacGregor, 83–109. Glasgow: Centre for Scottish and Celtic Studies, 2007.
- Boardman, Stephen. “Highland Scots and Anglo-Scottish Warfare, c.1300–1513”, in *England and Scotland at War, c.1296–c.1513*, edited by Andy King and David Simpkin, 231–53. Leiden: Brill, 2012.
- Boardman, Stephen. “The Lost World: Post-Medieval Accounts of the Lordship of the Isles”, in *The English Isles: Cultural Transmission and Political Conflict in Britain and Ireland, 1100–1500*, edited by Sean Duffy and Susan Foran, 151–74. Dublin: Four Courts, 2013.
- Bonner, Michael. “The Naming of the Frontier: Awāsim, Thughūr and the Arab Geographers”. *Bulletin of the School of Oriental and African Studies* 57 (1994): 17–24.
- Boone, Rebecca Ard. *War, Domination and the Monarchy of France. Claude de Seyssel and the Language of Politics in the Renaissance*. Leiden: Brill, 2007.
- Boulhousa, Patricia. “Of Fish and Ships in Medieval Iceland”, in *The Norwegian Domination and the Norse World c. 1100 – c. 1400, ‘Norgesveldet’*, edited by Steinar Imsen, 175–97. Trondheim: Tapir, 2010.
- Boulhousa, Patricia. “Ideas of Law in Medieval Icelandic Legal Texts”, in *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, edited by Steinar Imsen, 169–82. Trondheim: Tapir, 2013.
- Brækhus, Sjur. “Bergning av vrak og vrakgods. Juridiske betraktninger omkring Rundefunnet”. *Tidsskrift for rettsvitenskap* (1975): 505–35.
- Brégaint, David. “Conquering the Minds: *Konungs skuggsiá* and the Annexation of Iceland in the Thirteenth Century”. *Scandinavian Studies* 84 (2012): 439–66.
- Brégaint, David. *Vox Regis. Royal Communication in High Medieval Norway*. Leiden: Brill, 2015.
- Brown, Michael. *The Wars of Scotland: 1214–1371*. Edinburgh: Edinburgh University Press, 2004.
- Brunner, Otto. *Land and Lordship. Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James van Horn Melton. Philadelphia: University of Pennsylvania Press, 1992.
- Brühl, Carlrichard. *Deutschland – Frankreich. The Geburt zweier Völker*. Cologne: Böhlau, 1990.
- Brogger, Anton. *Ancient Emigrants. A History of the Norse Settlements of Scotland*. Oxford: Clarendon, 1929.
- Brogger, Anton. *Den norske bosetningen på Shetland-Orknøyene: Studier og resultater*, Oslo: Jacob Dybwad, 1930.
- Bugge, Alexander. *Studier over de norske byers sylvstyre og handle før Hanseaternes tid*. Christiania: Den Norske Historiske Forening, 1899.
- Bull, Edvard. “Erengisle Sunesson”, in *Norsk biografisk leksikon*, vol. 3, edited by Edvard Bull and Einar Jensen, 542–54. Oslo: Aschehoug, 1923.

- Bull, Edvard. "Haakon Jonsson", in *Norsk biografisk leksikon*, vol. 5, edited by Edvard Bull, 172–73. Oslo: Aschehoug, 1935.
- Bull, Edvard. *Det norske folks liv og historie gjennom tidene*. Vol 2: *Fra omkring 1000 til 1280*. Oslo: Aschehoug, 1931.
- Burke, Bernard. *Genealogical and Heraldic History of the Colonial Gentry*. London: Harrison & Sons, 1895.
- Burns, Robert. "The 'Guidaticum' Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews". *Medieval Encounters* 1 (1995): 51–113.
- Caldwell, David. *Islay. The Land of the Lordship*. Edinburgh: Birlinn, 2008.
- Cameron, Sonja. "Contumaciously Absent? The Lords of the Isles and the Scottish Crown", in *Lordship of the Isles*, edited by Richard Oram, 146–76. Leiden: Brill 2014.
- Campbell, Stuart. "The Language of Objects: Material Culture in Medieval Scotland", in *New Perspectives on Medieval Scotland, 1093–1269*, edited by Matthew Hammond, 183–202. Woodbridge: Boydell, 2013.
- Cant, Ronald. "The Church in Orkney and Shetland and its Relations with Norway and Scotland in the Middle Ages". *Northern Scotland* 1 (1972): 1–18.
- Cassee, Andreas and Anna Goppel (eds.), *Migration und Ethik*. Münster: Mentis, 2012.
- Catlos, Brian. *Muslims of Medieval Latin Christendom, c. 1050–1614*. Cambridge, Cambridge University Press, 2014.
- Chaplais, Pierre. *English Diplomatic Practice in the Middle Ages*. London: Hambledon, 2003.
- Chesnutt, Michael. "Orkneyinga saga", *Medieval Scandinavia. An Encyclopedia*, edited by Phillip Pulsiano, 456–57. London: Garland, 1993.
- Christensen, Aksel. *Kalmarunionen og nordisk politik 1319–1439*. Copenhagen: Gylendal, 1980.
- Clavin, Matthew. *Toussaint Louverture and the American Civil War. The Promise and Peril of a Second Haitian Revolution*. Philadelphia: University of Pennsylvania Press, 2010.
- Clinchy, Everett. *All in the Name of God*. New York: John Day, 1932.
- Clouston, J. Storer. "The Odal Families of Orkney". *Old-Lore Miscellany of Orkney, Shetland, Caithness and Sutherland* 1 (1907): 27–32.
- Clouston, J. Storer. "The Lawrightmen of Orkney". *Scottish Historical Review* 14 (1917): 9–59.
- Clouston, J. Storer. "The People and Surnames in Orkney". *Proceedings of the Antiquaries of Scotland* 2 (1923/4): 31–36.
- Clouston, J. Storer. "The Goodmen and Hirdmen of Orkney". *Proceedings of the Orkney Antiquarian Society* 3 (1924/5): 9–19.
- Clouston, J. Storer. "The Orkney Bus". *Proceedings of the Orkney Antiquarian Society* 5 (1926/7): 41–49.

- Clouston, J. Storer. "The Battle of Tankerness". *Proceedings of the Orkney Antiquarian Society* 6 (1927/8): 21–25.
- Clouston, J. Storer. *History of Orkney*. Kirkwall: W.R. Mackintosh, 1932.
- Constable, Olivia. *Trade and Traders in Muslim Spain: The Commercial Realignment of the Iberian Peninsula, 900–1500*. Cambridge: Cambridge University Press, 1996.
- Coss, Peter. "Bastard Feudalism Revised". *Past & Present* 125 (1989): 27–64.
- Coss, Peter. "Knights, Esquires and the Origins of Social Gradation in England". *Transactions of the Royal Historical Society* 5 (1995): 155–78.
- Coss, Peter. *The Origins of the English Gentry*. Cambridge: Cambridge University Press, 2005.
- Coulson, Charles. *Castles in Medieval Society. Fortresses in England, France, and Ireland in the Central Middle Ages*. Oxford: Oxford University Press, 2003.
- Cowan, Edward J. "The Campbell of Monzie Papers", *Collection Update* (Guelph) 7 (1983).
- Cowan, Edward J. *'For Freedom Alone': The Declaration of Arbroath, 1320*. East Linton: Tuckwell, 1988.
- Cowan, Edward J. "Norwegian Sunset, Scottish Dawn", in *Scotland in the Reign of Alexander III 1249–1286*, edited by Norman H. Reid, 103–31. Edinburgh: John Donald, 1990.
- Crawford, Barbara E. "The Earldom of Orkney and Lordship of Shetland: A Re-interpretation of their Pledging to Scotland in 1468–70". *Saga Book* 17 (1967/8): 156–76.
- Crawford, Barbara E. "The Pawning of Orkney and Shetland: A Reconsideration of the Events of 1460–9". *Scottish Historical Review* 48 (1969): 35–53.
- Crawford, Barbara E. *The Earls of Orkney-Caithness and their Relations with Norway and Scotland, 1158–1470*, PhD dissertation. St Andrews: University of St Andrews, 1971.
- Crawford, Barbara E. "Weland of Sticklaw: A Scottish Royal Servant at the Norwegian Court". *Historisk Tidskrift* 52 (1973): 329–39.
- Crawford, Barbara E. "Foreign Relations. Scandinavia", in *Scottish Society in the Fifteenth Century*, edited by Jennifer M. Brown, 85–100. London: Edward Arnold, 1977.
- Crawford, Barbara E. "The Pledging of the Islands in 1469: The Historical Background", in *Shetland and the Outside World 1469–1969*, edited by Donald J. Witherington, 32–48. Oxford: Oxford University Press, 1983.
- Crawford, Barbara E. "Papa Stour: Survival, Continuity and Change in One Shetland Island", in *The Northern and Western Isles in the Viking World: Survival, Continuity and Change*, edited by Alexander Fenton and Hermann Pálsson, 40–58. Edinburgh: John Donald, 1984.
- Crawford, Barbara E. "The Earldom of Caithness and the Kingdom of Scotland 1150–1266", in *Essays on the Nobility of Medieval Scotland*, edited by Keith J. Stringer, 25–43. Edinburgh: John Donald, 1985.

- Crawford, Barbara E. "William Sinclair. Earl of Orkney, and His Family: A Study of the Politics of Survival", in *Essays on the Nobility of Medieval Scotland*, edited by Keith J. Stringer, 232–53. Edinburgh: John Donald, 1985.
- Crawford, Barbara E. "The Making of a Frontier: The Firthlands from the 9th–12th Centuries", in *The Firthland of Ross and Sutherland*, edited by John R. Baldwin, 33–46. Edinburgh: Scottish Society for Northern Studies, 1986.
- Crawford, Barbara E. *Scandinavian Scotland*. Leicester: Leicester University Press, 1987.
- Crawford, Barbara E. "North Sea Kingdoms, North Sea Bureaucrat: A Royal Official Two Transcended National Boundaries". *Scottish Historical Review* 69 (1990): 175–84.
- Crawford, Barbara E. "Norse Earls and Scottish Bishops in Caithness: A Clash of Cultures", in *The Viking Age in Caithness, Orkney and the North Atlantic: Select Papers from the Proceedings of the Eleventh Viking Congress*, edited by Colleen E. Batey, Judith Jesch and Christopher D. Morris, 129–47. Edinburgh: Edinburgh University Press, 1993.
- Crawford, Barbara E. *The 'Papar' in the North Atlantic. Environment and History* (St. Andrews. St. John's House Papers no.10). St Andrews: Scottish Cultural Press, 2002.
- Crawford, Barbara E. "The Bishopric of Orkney", in *Ecclesia Nidrosiensis 1153–1537. Sykelys på Nidaroskirkens og Nidarosprovinsens historie*, edited by Steinar Imsen, 143–58. Trondheim: Tapir, 2003.
- Crawford, Barbara E. "Sinclair Family (per. 1280–c. 1500)", in *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004.
- Crawford, Barbara E. "The Bishopric of Orkney within the Archdiocese of Trondheim, 1152–3–1247". *New Orkney Antiquarian Journal* 4 (2009): 47–68.
- Crawford, Barbara E. "The Joint Earldoms of Orkney and Caithness", in *The Norwegian Domination and the Norse World c.1100–c.1400*, edited by Steinar Imsen, 75–98. Trondheim: Tapir, 2010.
- Crawford, Barbara E. "St. Magnus Cathedral – A Proprietorial Church of the Orkney Earls?", in *Ecclesia Nidrosiensis' and 'Noregs veldi'. The Role of the Church in Making of the Norwegian Domination in the Norse World*, edited by Steinar Imsen, 179–89. Trondheim: Tapir, 2012.
- Crawford, Barbara E. *The Northern Earldoms. Orkney and Caithness from AD 870 to 1470*. Edinburgh: John Donald, 2013.
- Crawford, Barbara E. "The Northern Half of the Northern Earldoms: A Comparison of Orkney and Shetland", in *Rex Insularum. The King of Norway and his 'Skattlands' as a Political System c. 1260–c. 1450* 2014, edited by Steinar Imsen, 143–61. Bergen: Fagbokforlaget, 2014.
- Crawford, Barbara E. "Two Seals from Orkney: The 15th Century Community Seal and a Seal Matrix Dating to c. AD 1300", in *Nordic Middle Ages – Artefacts, Landscapes and Society. Essays in Honour of Ingvild Øye on her 70th Birthday*, edited by Irene Baug,

- Janicke Larsen and Sigrid Samset Mygland, 105–17. Bergen: University of Bergen Archaeological Series, 2015.
- Crawford, Barbara and Beverly Ballin Smith. *The Biggins, Papa Stour, Shetland. The History and Archaeology of a Royal Norwegian Farm*. Edinburgh: Society of Antiquaries of Scotland, 1999.
- Curta, Florin (ed.). *Borders, Barriers, and Ethnogenesis. Frontiers in Late Antiquity and the Middle Ages*. Turnhout: Brepols, 2005.
- Daae, Ludvig. "Bidrag til Norges Historie i Aarene 1434–1443". *Historisk tidsskrift* 4 (1877): 62–108.
- Daae, Ludvig. "Nye Studier til Oprørshøvdingen Amund Sigurdssøns Historie". *Historisk tidsskrift* 3 (1890): 488–99.
- Davidson, Neil. *The Origins of Scottish Nationhood*. London: Pluto, 2000.
- Davies, R. Rees. "The Law of the March". *Welsh History Review* 5 (1971): 1–30.
- Davies, R. Rees. *Lordship and Society in the March of Wales 1282–1400*. Oxford: Clarendon, 1978.
- Davies, R. Rees. "Kings, Lords and Liberties in the March of Wales, 1066–1272". *Transactions of the Royal Historical Society* 5 (1979): 41–61.
- Davies, R. Rees. "Frontier Arrangements in Fragmented Societies: Ireland and Wales", in *Medieval Frontier Societies*, edited by Robert Bartlett and Angus MacKay, 77–100. Oxford: Clarendon, 1989.
- Davies, R. Rees. "The People of Britain and Ireland, 1100–1400. Identity". *Transactions of the Royal Historical Society* 6 (1994): 1–20.
- Davies, R. Rees. *The Age of Conquest. Wales, 1063–1415*. Oxford: Oxford University Press, 2000.
- De Craecker-Dussart, Christiane. "L'Evolution du sauf-conduit dans les principautés de la Basse-Lotharingie du VIIe au XIVe siècle". *Le Moyen Age* 80 (1970): 185–243.
- Debes, Hans. "Færøerne og Norge. En tusindårig forbindelses begyndelse, forløb og afslutning". *Historisk tidsskrift* 94 (1995): 39–56.
- Diener, Alexander and Joshua Hagen (eds.). *Borderlines and Borderlands. Political Oddities at the Edge of the Nation-State*. Lanham: Rowman & Littlefield, 2010.
- Donaldson, Gordon. "The Scots Settlement in Shetland", in *Shetland and the Outside World 1469–1969*, edited by Donald J. Withrington, 8–19. Oxford: Oxford University Press, 1983.
- Donaldson, Gordon. "Norse and Scottish Law in Shetland: the Background", in *The Shetland Report. A Constitutional Study* 3, 185–92. Edinburgh: Nevis Institute, 1978.
- Donaldson, Gordon. "Problems of Sovereignty and Law in Orkney and Shetland", in *The Stair Society. Miscellany* 2, edited by David Sellar, 13–40. Edinburgh: Stair Society, 1984.
- Donaldson, Gordon. *A Northern Commonwealth. Scotland and Norway*. Edinburgh: Saltire Society, 1990.

- Drake, Knut. "Ett spel med borgar", in *Margrete I: Nordens frue og husband. Kalmarunionen 600 år*, 182–91. Copenhagen: Nordisk Ministerråd, 1996.
- Duncan, Archibald. *Scotland. The Making of the Kingdom*. Edinburgh: Mercat, 1973.
- Ellenblum, Ronnie. "Where Were the Borders and Borderlines in the Middle Ages? The Example of the Latin Kingdom of Jerusalem", in *Medieval Frontiers. Concepts and Practices*, edited by David Abulafia and Nora Berend, 105–19. Aldershot: Ashgate, 2002.
- Engström, Sten. *Bo Jonsson till 1375*, PhD dissertation. Uppsala: Uppsala universitet, 1935.
- Erskine, John. *An Institution of the Law of Scotland*, vol. 1. Edinburgh: Bell & Bradford, 1824.
- Esser, Raingard and Steven Ellis. "Introduction. Border Regions in Early Modern Europe", in *Frontier and Border Regions in Early Modern Europe*, edited by Raingard Esser and Steven Ellis, 7–16. Hannover: Wehrhahn, 2013.
- Etting, Vivian. *Queen Margret I (1353–1412) and the Founding of the Nordic Union*. Leiden: Brill, 2004.
- Evergates, Theodore. *Feudal Society in Medieval France. Documents from the County of Champagne*. Philadelphia: University of Pennsylvania Press, 1993.
- Falkanger, Aage. *Lagmann og lagting i Hålogaland gjennom 1000 år*. Oslo: Universitetsforlaget, 2007.
- Fenton, Alexander. *The Northern Isles: Orkney and Shetland*. East Linton: Tuckwell, 1997.
- Ferguson, William. *The Identity of the Scottish Nation. An Historic Quest*. Edinburgh: Edinburgh University Press, 1998.
- Ferguson, William. "The Origins of Scottish Nationhood (Review)". *Scottish Historical Review* 80 (2001): 298–300.
- Forsyth, William. *History of Trial by Jury*. London: John Parker and Son, 1852.
- France, John. "Siege Conventions in Western Europe and Latin East", in *War and Peace in Ancient and Medieval History*, edited by Philip de-Souza and John France, 158–72. Cambridge: Cambridge University Press, 2008.
- Frankot, Edda. *'Of Laws of Ships and Shipmen.' Medieval Maritime Law and its Practice in Urban Northern Europe*. Edinburgh: Edinburgh University Press, 2012.
- Friedland, Klaus. "The Hanseatic League and Hanse Towns in the Early Penetration of the North". *Arctic* 37 (1984): 239–43.
- Friedland, Klaus. "Der Hansische Shetlandhandel", in *Stadt and Land in der Geschichte des Ostseeraums*, edited by Klaus Friedland, 190–205. Lübeck: Schmidt-Römhild, 1973.
- Fritzer, Johan. *Ordbog over Det gamle norske Sprog*, 3 vols. Christiania: Feilberg & Landmark, 1867.
- Ganshof, François. *Feudalism*, translated by Philip Grierson. Toronto: University of Toronto Press, 1996.

- Geary, Patrick. *The Myth of Nations. The Medieval Origins of Europe*. Princeton: Princeton University Press, 2003.
- Gierke, Otto. *Rechtsgeschichte der deutschen Genossenschaft*. Berlin: Wiedmann, 1868.
- Gissel, Svend et al. (eds.). *Desertion and Land Colonisation in the Nordic Countries, c. 1300–1600*. Stockholm: Almqvist & Wiksell, 1981.
- Godfrey, Andrew M. *Civil Justice in Renaissance Scotland. The Origins of Central Court*. Leiden: Brill, 2009.
- Goodman, Anthony. "The Anglo-Scottish Marches in the Fifteenth Century: A Frontier Society?", in *Scotland and England, 1286–1815*, edited by Roger Mason, 18–33. Edinburgh: John Donald, 1987.
- Goodman, Anthony. "Introduction", in *War and Border Societies in the Middle Ages*, edited by Anthony Tuck and Anthony Goodman, 1–29. London: Routledge, 1992.
- Gordon, Robert. *A Genealogical History of the Earldom of Sutherland from its Origin to the Year 1620*. Edinburgh: George Ramsay & Co., 1813.
- Gorski, Richard. *The Fourteenth Century Sheriff. English Local Administration in the Late Middle Age*. Woodbridge: Boydell, 2003.
- Grant, Alexander. "Scotland's Celtic Fringe' in the Late Middle Ages: The MacDonald Lords of the Isles and the Kingdom of Scotland", in R. Rees Davies (ed), *The British Isles 1100–1500. Comparisons, Contrasts and Connections*, Edinburgh 1988, 118–41.
- Grant, Alexander. "Aspects of Scottish National Consciousness in the Later Middle Ages", in *Nations, Nationalism and Patriotism in the European Past*, edited by Claus Bjørn, Alexander Grant and Keith J. Stringer, 68–95. Copenhagen: Academic, 1994.
- Grant, Alexander. "Franchises North of the Border: Baronies and Regalities in Medieval Scotland", in *Liberties and Identities in Medieval British Isles*, edited by Michael Prestwich, 155–99. Woodbridge: Boydell, 2008.
- Grimm, Jacob. *Deutsche Grenzalterthümer* (1843), in Jacob Grimm, *Kleine Schriften*, vol. 2. Berlin: Ferd. Dümmlers, 1865.
- Grohse, Ian P. "From Asset in War to Asset in Diplomacy. Orkney in the Medieval Realm of Norway". *Island Studies Journal* 8 (2013): 255–68.
- Grohse, Ian P. "Tutor Testamentary – A Case of Guardianship in Late Norse Orkney". *Historisk tidsskrift* 93 (2014a): 217–41.
- Grohse, Ian P. "Medieval Maritime Diplomacy: The Case of Norwegian–Scottish Relations, ca. 1266–1468/69". *International Journal of Maritime History* 26 (2014b): 512–28.
- Grohse, Ian P. "Orknøylene og Norgesveldet: Økonomisk eller politisk avhengighet?". *Heimen* 57 (2014c): 307–18.
- Grohse, Ian P. "Defending Country and Realm: Military Features and the Norse-Scottish Frontier", in *Rex Insularum. The King of Norway and His 'Skattlands' as a Political System c. 1260–c. 1450*, edited by Steinar Imsen, 163–79. Bergen: Fagbokforlaget, 2014d.

- Grohse, Ian P. "The Royal Origins of Norwegian Commercial Diplomacy: King Hákon IV Hákonarson and the Council of Lübeck, 1247–1250", in *Diplomacia y comercio en la Europa Atlántica medieval*, edited by Jesús Ángel Solózano Telechea, Beatriz Arízaga Bolumbruru and Louis Sicking, 61–86. Logroño: Instituto de Estudios Riojanos, 2015.
- Grohse, Ian P. "Late Medieval Vikings – The MacDonald Raids on Orkney ca. 1461", in *Traversing the Inner Seas. Contacts and Continuity around Western Scotland, the Hebrides and Northern Ireland*, Edinburgh, edited by Christian Cooijmans (forthcoming 2017).
- Groundwater, Anna. *The Scottish Middle March, 1573–1625. Power, Kinship, Allegiance*. Woodbridge: Boydell, 2010.
- Groundwater, Anna. "Renewing the Anglo-Scottish Frontier: Reassessing Early Modern Frontier Societies", in *Frontier and Border Regions in Early Modern Europe*, edited by Raingard Esser and Steven G. Ellis, 19–38. Hannover: Wehrhahn, 2013.
- Guibernau, Montserrat. "Anthony D. Smith on Nations and National Identity: A Critical Assessment". *Nations and Nationalism* 10 (2004): 125–41.
- Gullace, Nicoletta. *The Blood of Our Sons. Men, Women and the Renegotiation of British Citizenship during the Great War*. New York: Palgrave, 2002.
- Gullbekk, Svein. "Myntretten som inntektskilde i middelalderen". *Scandia* 75 (2009): 61–76.
- Guthrie, William. *A General History of Scotland from the Earliest Accounts to the Present Time*, vol. 4. London: A. Hamilton, 1767.
- Haki Antonsson. *St. Magnús of Orkney. A Scandinavian Martyr-Cult in Context*. Leiden: Brill, 2007.
- Hammond, Matthew. "Ethnicity and the Writing of Medieval Scottish History". *The Scottish Historical Review* 85 (2006): 1–27.
- Hamre, Lars. *Norsk historie frå omlag 1400*. Oslo: Universitetsforlaget, 1968.
- Hamre, Lars. "Litt omkring Håkon Vs hirdskipan 17. juni 1308". *Historisk Tidsskrift* 72 (1993): 6–36.
- Hansen, Lars. "Fra Nöteborgsfreden til Lappekodusillen, ca. 1300–1751. Folkegrupper og statsdannelse på Nordkalotten med utgangspunkt i Finnmark", in *Grenser og grannelag i Nordens historie*, edited by Steinar Imsen, 369–73. Oslo: Cappelen, 2005.
- Hansen, Lars. "The Successive Integration of Hålogaland and Finnmark into the Realm of the King of Norway", in *Rex Insularum. The King of Norway and His 'Skattlands' as a Political System c.1260–c.1450*, edited by Steinar Imsen, 347–69. Bergen: Fagbokforlaget, 2014.
- Hastrup, Kirsten. "Icelandic Topography and the Sense of Identity", in *Nordic Landscapes: Region and Belonging on the Northern Edge of Europe*, edited by Michael Jones and Kenneth R. Olwig, 53–76. Minneapolis and London: University of Minnesota Press, 2008.

- Haug, Elbjørg. "Konkordat-konflikt-privilegium. Sættegjerden som indikator på forholdet stat-kirke fra Magnus Lagabøter til Christian I (1273–1458)". *Ecclesia Nidrosiensis 1153–1537: Sokelys på Nidaroskirkens og Nidarosprovinsens historie*, edited by Steinar Imsen, 83–120. Trondheim: Tapir, 2003.
- Haug, Elbjørg. *Provincia Nidrosiensis i dronning Margretes unions – og maktpolitikk*. Trondheim: Institutt for historie og klassiske fag, 2006.
- Hay, Richard. *Genealogie of the Sainteclaires of Rosslyn*, edited by James Maidment. Edinburgh: Thomas G. Stevenson, 1835.
- Helgi Þorláksson. "King and Commerce. The Foreign Trade of Iceland in the Medieval Times and the Impact of Royal Authority", in *The Norwegian Domination and the Norse World c. 1100 – c. 1400, 'Norgesveldet'*, edited by Steinar Imsen, 149–73. Trondheim: Tapir, 2010.
- Helle, Knut. *Norge blir en stat 1130–1319*. Oslo: Universitetsforlaget, 1964.
- Helle, Knut. *Konge og gode menn i norsk riksstyring ca. 1150 – 1319*. Bergen: Universitetsforlaget, 1971.
- Helle, Knut. *Bergen bys historie, vol. 1: Kongssete og kjøpstad. Fra opphavet til 1535*. Bergen: Universitetsforlaget, 1982.
- Helle, Knut. "Norwegian Foreign Policy and the Maid of Norway". *Scottish Historical Review* 69 (1990): 142–56.
- Helle, Knut. "Rettsoppfatninger og rettsendringer: Europa og Norge i middelalderen", in *Festskrift til Historisk institutts 40-års juleum*, edited by Geir Atle Ersland, Edgar Hovland and Ståle Dyrvik, 41–70. Bergen: Historisk institutt, 1997.
- Helle, Knut. "Towards Nationally Organised Systems of Government. (a) Introductory Survey". in *The Cambridge History of Scandinavia*, edited by Knut Helle, 343–53. Cambridge: Cambridge University Press, 2003.
- Henderson, John. *Caithness Family History*. Edinburgh: David Douglas, 1884.
- Hicks, Michael. *Bastard Feudalism* London: Longman, 1995.
- Higham, John. *Strangers in the Land. Patterns of American Nativism 1860–1925*. New Brunswick: Rutgers University Press, 2002.
- Hofstadter Richard and Seymour Lipset (eds.). *Turner and the Sociology of the Frontier*. New York: Basic Books, 1968.
- Holm, Olof. "Den norsk-svenska riksgrensens ålder och hävd: En studie av rikssamlingsprocesser och gränsbildning i mellersta Skandinavien". *Collegium Medievale* 16 (2003): 135–237.
- Holm, Poul. "Catches and Manpower in the Danish Fisheries, c. 1200–1995", in *North Atlantic Fisheries. Markets and Modernisation*, edited by Poul Holm and David J. Starkey, 177–206. Esbjerg: North Atlantic Fisheries, 1996.
- Holm, Poul. "Fiskeriets økonomisk betydning i Danmark, 1350–1650". *Sjæk'len. Årbog for Fiskeri- og Søfartsmuseet* (1998): 9–42.
- Holmsen, Andreas. *Norges historie. Fra de eldste tider til 1660*. Oslo: Universitetsforlaget, 1977.

- Holmsen, Andreas. "Kongens rett, kongens makt og kongebrevet av 17/6 1308". *Historisk Tidsskrift* 51 (1972): 34–57.
- Holmsen, Andreas and Jarle Simensen (eds.). *Norges nedgang: Senmiddelalderen*. Oslo: Universitetsforlaget, 1968.
- Hossack, Buckham. *Kirkwall in the Orkneys*. Kirkwall: William Peace and Son, 1900.
- Howard, Michael. *Transnationalism in Ancient and Medieval Societies: The Role of Cross-Border Trade and Travel*. Jeffersson: McFarland, 2012.
- Hørby, Kai. "Christian I and the Pawning of Orkney: Some Reflections on Scandinavian Foreign Policy 1460–8". *Scottish Historical Review* 48 (1969): 54–63.
- Hybel, Nils and Bjørn Poulsen. *The Danish Resources c. 1000–1500. Growth and Recession*. Leiden: Brill, 2007.
- Imsen, Steinar. "Bygdesamvirket som rikspolitisk utsiktspunkt. Kommunalt liv i Norgesveldet mot slutten av gammelnorsk tid". *Heimen* 2 (1988): 129–41.
- Imsen, Steinar. *Norske bondekommunalisme fra Magnus Lagabøtes tid til Kristian Kvart*, vol. 1, *Middelalderen*. Trondheim: Tapir, 1990.
- Imsen, Steinar. *Norske bondekommunalisme fra Magnus Lagabøtes tid til Kristian Kvart*, vol. 2, *Lydriketiden*. Trondheim: Tapir, 1994.
- Imsen, Steinar. "Det gamle tinget – og det nye", in *Rett og historie. Festskrift til Gudmund Sandvik*, edited by Dag Michaelsen and Knut Sprauten, 13–35. Oslo: Det juridisk fakultets lovsamlingsfond, 1997.
- Imsen, Steinar. "Communalism and State-Building in Norway 1537–1648". *Scandinavian Journal of History* 22 (1997): 21–31.
- Imsen, Steinar. "...attj wthi act oc mening hade I hiel slagett alle ffogter oc lensmen oc siden reise menig man oc gaa al warden offuer ...": Unionsregimente og bondemotstand under Erik av Pommern", in *Konge, adel og opprør. Karlmarunionen 600 år*, edited by Knut Arstad, 91–108. Oslo: Forsvarsmuseets småskrift, 1998.
- Imsen, Steinar. "Innfødsretten", in, edited by Steinar Imsen and Harald Winge, 173. Oslo: Cappelen Damm, 1999a.
- Imsen, Steinar. "Public Life in Shetland and Orkney c. 1300–1500". *New Orkney Antiquarian Journal* 1 (1999b): 53–65.
- Imsen, Steinar. "Earldom and Kingdom. Orkney in the realm of Norway 1195–1379". *Historisk tidsskrift* 79 (2000): 163–80.
- Imsen, Steinar. *Noregs nedgang*. Oslo: Samlaget, 2002.
- Imsen, Steinar. "Nidarosprovinsen", in *Ecclesia Nidrosiensis 1153–1537. Søkelys på Nidaroskirkens og Nidarosprovinsens historie*, edited by Steimar Imsen, 15–39. Trondheim: Tapir, 2003.
- Imsen, Steinar. "Grenseland i vest, mellom Skottland og Norge", in *Grenser og grannelag i Nordens historie*, edited by Steinar Imsen, 142–62. Oslo: Cappelen, 2005.
- Imsen, Steinar. "landet Orknøy oc greuescapet ther same stadhs". *Historisk tidsskrift* 86 (2007): 199–224.

- Imsen, Steinar. "The Scottish-Norwegian Border in the Middle Ages", in *Scandinavian Scotland – Twenty Years After. The Proceedings of a Day Conference held on 19 February 2007*, edited by Alex Woolf, 9–30. St Andrews: St John's House Papers, 2009.
- Imsen, Steinar (ed.). *The Norwegian Domination and the Norse World c.1100–c.1400*. Trondheim: Tapir, 2010.
- Imsen, Steinar. "Introduction", in *The Norwegian Domination and the Norse World c.1100–c.1400*, edited by Steinar Imsen, 13–34. Trondheim: Tapir, 2010.
- Imsen, Steinar. "From Tribute to Taxes", in *Tax, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, edited by Steinar Imsen, 13–32. Trondheim: Tapir, 2011.
- Imsen, Steinar. "The Country of Orkney and the Complaints against David Menzies". *New Orkney Antiquarian Journal* 6 (2012a): 9–33.
- Imsen, Steinar. "The Nidaros Church and its Province", in 'Ecclessia Nidrosiensis' and 'Noregs veldi'. *The Role of the Church in the Making of the Norwegian Domination in the Norse World*, edited by Steinar Imsen. Trondheim: Tapir, 2012b.
- Imsen, Steinar. "Law and Justice in the Realm of the King of Norway", in *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, edited by Steinar Imsen, 15–40. Trondheim: Tapir, 2013.
- Imsen, Steinar (ed.). *Rex Insularum. The King of Norway and His 'Skattlands' as a Political System c.1260–c.1450*. Bergen: Fagbokforlaget, 2014.
- Imsen, Steinar. *Land og folk i den norrøne verda ca. 900 til 1450*, Oslo 2015.
- Imsen, Steinar and Jørn Sandnes, *Norges historie*, vol. 4. *Avfolkning og union*. Oslo: Universitetsforlaget, 1977.
- Innes, Cosmo. *Scotland in the Middle Ages: Sketches of Early Scotch History and Social Progress*. Edinburgh: Edmonston and Douglas, 1860.
- Jahnke, Carsten. "The Medieval Herring Fishery in the Western Baltic", in *Beyond the Catch. Fisheries of the North Atlantic, the North Sea and the Baltic, 900–1850*, edited by Louis Sicking and Darlene Abreu-Ferreira, 155–86. Leiden 2009.
- James, Edward. "The Militarisation of Roman Society, 400–700", in *Military Aspects of Scandinavian Society in a European Perspective AD 1–1300*, edited by Anne N. Jorgensen and Birthe L. Clausen, 19–24. Copenhagen: National Museum of Denmark, 1997.
- Jamroziak, Emilia. "Border Communities Between Violence and Opportunities: Scotland and Pomerania Compared", in *Britain and Poland-Lithuania. Contact and Comparison from the Middle Ages to 1795*, edited by Richard Unger and Jakub Basista, 123–36. Leiden: Brill, 2008.
- Jaspert, Nikolas. "Grenzen und Grenzräume im Mittelalter: Forschung, Konzepte und Begriffe", in *Grenzräume und Grenzüberschreitungen im Vergleich. Der Osten und der Westen des mittelalterlichen Lateineuropa*, edited by Klaus Herbers and Nikolas Jaspert, 43–70. Berlin: Akademie, 2007.

- Jellinek, Georg. *Allgemeine Staatslehre*. Berlin: O. Häring, 1905.
- Jennings, Robert and Arthur Watts (eds.). *Oppenheim's International Law*, vol. 1., 9th edition. London: Longman, 1992.
- Jesch, Judith. "England and Orkneyinga Saga", in *The Viking Age in Caithness, Orkney and the North Atlantic. Proceedings of the Eleventh Viking Congress*, edited by Colleen Batey, Judith Jesch and Christopher Morris, 223–39. Edinburgh: Edinburgh University Press, 1993.
- Jesch, Judith. "Orkneyinga Saga: A Work in Progress?", in *Creating the Medieval Saga. Versions, Variability and Editorial Interpretations of Old Norse Literature*, edited by Judy Quinn and Emily Lethbridge, 151–73. Odense: University Press of Southern Denmark, 2010.
- Jiménez, Manuel. "Frontier and Settlement in the Kingdom of Castile", in *Medieval Frontier Societies*, edited by Robert Bartlett and Angus MacKay, 49–74. Oxford: Clarendon, 1989.
- Johnsen, Arne. "Kong Erik Magnussons Krav på Skottland, 1292". *Historisk tidskrift* 37 (1954/6): 145–75.
- Johnsen, Arne. *On the Background for the Establishment of the Norwegian Church Province*. Oslo: Universitetsforlaget, 1967.
- Johnsen, Oscar. *Norgesveldets undergang: Et utsyn og et opgjør*. Christiania: n.p., 1944.
- Johnston, Alfred. "Orkney and Shetland Folk, 880–1350". *Old-Lore Miscellany* 7 (1914): 84–96.
- Johnston, Alfred. "Scottish Influence on Orkney". *Scottish Historical Review* 13 (1916): 209–18.
- Jón Sigurðsson. "Lögsögumannatal og lömanna á Íslandi með skýringargreinum og fylgiskjöllum eptir Jón Sigurðsson", in *Safn til sögu Íslands og íslenzkra bókmenta að fornu og nýju*, edited by Jón Sigurðsson et al., 1–250. Copenhagen: Hinu íslenzka bókmentafélagi, 1886.
- Jón Viðar Sigurðsson. "The Norse Community", in *The Norwegian Domination and the Norse World c.1100–c.1400*, edited by Steinar Imsen, 59–74. Trondheim: Tapir, 2010.
- Jón Viðar Sigurðsson. "The Court and Assembly Organisation in Iceland c.1250–1450", in *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, edited by Steinar Imsen, 211–28. Trondheim: Tapir, 2013.
- Kaeuper, Richard. *Chivalry and Violence in Medieval Europe*. Oxford: Oxford University Press, 2001.
- Keen, Maurice. *The Laws of War in the Late Middle Ages*. Toronto: University of Toronto Press, 1965.
- Khan, Daniel-Erasmus. *Die deutschen Staatsgrenzen. Rechtshistorische Grundlagen und offene Rechtsfragen*. Tübingen: Mohr Siebeck, 2004.
- Kim, Keechang. *Aliens in Medieval Law: The Origins of Modern Citizenship*. Cambridge: Cambridge University Press, 2011.

- Knefelkamp Ulrich and Kristian Bosselmann-Cyran (eds.). *Grenze und Grenzüberschreitung im Mittelalter*. Berlin: De Gruyter, 2007.
- Koht, Halvdan. *Norsk bodereising*. Oslo: Aschehoug, 1926.
- Kolsrud, Oluf. *Noregs Kyrkjesoga, vol 1. Millomalderen*. Oslo: Aschehoug, 1958.
- Kokkonen, Jukka. "Border Peace Agreements: Local Attempts to Regulate Early Modern Border Conflicts", in *Imagined, Negotiated, Remembered. Constructing European Borders and Borderlands*, edited by Kimmon Katajala and Maria Lähteenmäki, 47–66. Münster: LIT, 2012.
- Kristoff, Ladis. "The Nature of Frontiers and Boundaries". *Annals of the Association of American Geographers* 49 (1959): 269–82.
- Kulikowski, Michael. "Ethnicity, Rulership, and Early Medieval Frontiers", in *Borders, Barriers, and Ethnogenesis: Frontiers in Late Antiquity and the Middle Ages*, edited by Florin Curta, 247–54. Turnhout: Brepols, 2005.
- Kumar, Krishan. "Nationalism and the Historian", in *The SAGE Handbook of Nations and Nationalism*, edited by Gerard Delanty and Krishan Kumar, 7–20. London: SAGE, 2006.
- Lamb, Gregor. *Orkney Surnames*. Edinburgh: Paul Harris, 1981.
- Larsson, Lars-Olof. *Engelbrekt Engelbrektsson och 1430-talets svenska uppror*. Stockholm: Norstedts, 1984.
- Larsson, Lars-Olof. *Kalmarunionens tid. Från drottning Margareta till Kristian II*. Stockholm: Norstedts, 1997.
- Larsson, Lars-Olof. "Engelbrekt Engelbrektsson och upproren in Sverige", in *Konge, adel og opprør. Kalmarunion 600 år*, edited by Knut Arstad, 81–90. Oslo: Forsvarsmuseets småskrift, 1998.
- Lattimore, Owen. "Origins of the Great Wall of China: A Frontier Concept in Theory and Practice". *Geographical Review* 27 (1937): 529–49.
- Le Goff, Jacques. *The Birth of Europe*, trans. Janet Lloyd. Malden: Blackwell, 2005.
- Leslie, John. *The History of Scotland. From the Death of King James I, in the Year M.CCCC.XXXVI, to the Year M.D.LXI*. Edinburgh: n.p., 1930.
- Lewis, Archibald. "The Closing of the Medieval Frontier 1250–1350". *Speculum* 33 (1958): 475–83.
- Lewis, Norman B. "The Organisation of Indentured Retinues in Fourteenth-Century England". *Transactions of the Royal Historical Society* 4 (1945): 29–39.
- Lieberman, Max. *The Medieval March of Wales. The Creation and Perception of a Frontier, 1066–1283*. Cambridge: Cambridge University Press, 2010.
- Limerick, Patricia. *The Legacy of Conquest. The Unbroken Past of the American West*. New York: Norton, 1987.
- Linehan, Peter. *History and the Historians of Medieval Spain*. Oxford: Clarendon, 1993.
- Linton, Ralph. "Nativistic Movements". *American Anthropology* 45 (1943): 230–40.
- Lipset, Seymour. "The Turner Thesis in Comparative Perspective: An Introduction", in *Turner and the Sociology of the Frontier*, edited by Richard Hofstadter and Seymour M. Lipset, 9–14. New York: Basic, 1968.

- Ljosland, Ragnhild. "The Establishment of the Scots Language in Orkney". *New Orkney Antiquarian Journal* 6 (2012): 65–80.
- López-Portillo, José-Juan (ed.). *Spain, Portugal and the Atlantic Frontier of Medieval Europe*. Farnham: Routledge, 2013.
- Lourie, Elena. "A Society Organized for War: Medieval Spain". *Past and Present* 35 (1966): 54–76.
- Lunden, Kåre. "Om Håkon V's skipan av 17/6 1308". *Historisk Tidsskrift* 50 (1971): 18–58.
- Lunden, Kåre. "Was There a Norwegian National Identity in the Middle Ages?". *Scandinavian Journal of History* 20 (1995): 19–33.
- Lustig, Richard I. "The Treaty of Perth: A Re-examination". *Scottish Historical Review* 58 (1979): 35–57.
- Macdonald, Alastair J. "Kings of the Wild Frontier? The Earls of Dunbar or March, c.1070–1435", in *The Exercise of Power in Medieval Scotland c.1200–1500*, edited by Steve Boardman and Alasdair Ross, 139–58. Dublin: Four Courts, 2003.
- Macdougall, Norman. "Achilles' Heel? The Earldom of Ross, the Lordship of the Isles, and the Stewart Kings, 1449–1507", in *Alba. Celtic Scotland in the Middle Ages*, edited by Edward J Cowan and R. Andrew McDonald, 248–75. East Linton: Tuckwell, 2000.
- Macdougall, Norman. *James III*. Edinburgh: John Donald, 2009.
- MacGregor, Martin. "Gaelic Barbarity and Scottish Identity in the Later Middle Ages", in *Mìorun Mòr nan Gall, 'The Great Ill-Will of the Lowlander'? Lowland Perceptions of the Highlands, Medieval and Modern*, edited by Dauvit Broun and Martin MacGregor, 7–48. Glasgow: Centre for Scottish and Celtic Studies, 2007.
- MacInnes, John. "West Highland Sea Power in the Middle Ages". *Transactions of the Gaelic Society of Inverness* 48 (1972/4): 518–56.
- MacLean, John. *A History of the Clan MacLean. From Its First Settlement at Duard Castle, in the Isles of Mull, to the Present Period*. Cincinnati: Robert Clark & Co., 1899.
- MacQueen, Hector. *Common Law and Feudal Society in Medieval Scotland*. Edinburgh: Edinburgh University Press, 1993.
- Magerøy, Hallvard. *Soga om austmenn: Nordmenn som siglde til Island og Grønland i mellomalderen*. Oslo: Samlaget, 1993.
- Marwick, Hugh. *The Orkney Norm*. Oxford: Oxford University Press, 1929.
- Marwick, Hugh. "Leidang in the West". *Proceedings of the Orkney Antiquarian Society* 13 (1934/5): 15–30.
- Marwick, Hugh. "Naval Defence in Norse Scotland". *Scottish Historical Review* 28 (1949): 1–11.
- Mattingly, Garrett. *Renaissance Diplomacy*. New York: Penguin Books, 2010.
- McDonald, R. Andrew. *The Kingdom of the Isles, Scotland's Western Seaboard, c.1100–c.1336*. East Linton: Tuckwell, 1997.
- McDonald, R. Andrew. *Outlaws of Medieval Scotland: Challenges to the Canmore Kings, 1058 to 1266*. East Linton: Tuckwell, 2003.

- McDonald, R. Andrew. *Manx Kingship and its Irish Sea Setting, 1197–1229: King Rognvaldr and the Crowan Dynasty*. Dublin: Four Courts, 2007.
- McFarlane, Kenneth. "Bastard Feudalism", in *England in the Fifteenth Century. Collected Essays of K.B. McFarlane*, edited by Gerald L. Harriss, 23–43. London: Hambledon, 1981.
- McKee, Sally. *Uncommon Dominion. Venetian Crete and the Myth of Ethnic Purity*. Philadelphia: University of Pennsylvania Press, 2000.
- McMillan, A.R.G. "The Admiral of Scotland". *Scottish Historical Review* 20 (1923): 11–18.
- Meikle, Maureen. *A British Frontier? Lairds and Gentlemen in the Eastern Borders, 1540–1603*. East Linton: Tuckwell, 2004.
- Menzies, David. *The 'Red & White' Book of Menzies. The History of Clan Menzies and its Chiefs*. Glasgow: n.p., 1894.
- Miller, James. *Swords for Hire. The Scottish Mercenary*. Edinburgh: Birlinn, 2007.
- Mollerup, William. "Kong Erik af Pommerns Udenlandsrejse 1423–1425". *Historisk tidsskrift* [DK] 5 (1881/2): 713–44.
- Mooney, John. *The Cathedral and Royal Burgh of Kirkwall*. Edinburgh: W.R. Mackintosh, 1943.
- Moraw, Peter. "Reisen im europäischen Spätmittelalter im Licht der neueren historischen Forschung", in *Reisen und Reiseliteratur im Mittelalter und in der Frühen Neuzeit*, edited by Xenja von Ertzdorff, Dieter Neukirch and Rudolf Schulz, 113–39. Amsterdam: Rodopi, 1992.
- Moseng, Ole. et al. *Norsk historie I. 750–1537*. Oslo: Universitetsforlaget, 1999.
- Munch, Peter. "Geographiske og historiske Notitser om Orknøerne og Hetland", in *Samlinger til det norske folks sprog og historie*, vol. 6, 79–133. Christiania: n.p., 1838.
- Munch, Peter. *Det norske Folks Historie*. Christiania: Chr. Tønsberg, 1852–63.
- Murdoch, Steven and Andrew MacKillop (eds.). *Fighting and Identity. Scottish Military Experience c. 1500–1900*. Leiden: Brill, 2002.
- Murray Alan (ed.). *The North-Eastern Frontiers of Medieval Europe*. Farnham: Routledge, 2014.
- Musson, Anthony. *Public Order and Law Enforcement. The Local Administration of Criminal Justice, 1294–1350*. Woodbridge: Boydell, 2001.
- Musson, Anthony. *Expectations of the Law in the Middle Ages*. Woodbridge: Boydell, 2001.
- Mühlmann, Wilhelm. "Chiliasmus, Nativismus, Nationalismus: Das soziologische Fazit", in *Soziologie und moderne Gesellschaft. Verhandlungen des 14. Deutschen Soziallogentages vom 20. bis 24. Mai 1959 in Bergen*, edited by Alexander Busch, 228–42. Stuttgart: Enke, 1959.
- Nedkvitne, Arnvéd. *Utenrikshandelen fra det vestafjelske Norge*, PhD dissertation. Bergen: Universitet i Bergen, 1983.

- Newton, Diana. *North-east England, 1569–1625. Governance, Culture and Identity*. Woodbridge: Boydell, 2006.
- Nicholson, Helen. *Medieval Warfare. Theory and Practice of Warfare in Europe, 300–1500*. New York: Palgrave, 2004.
- Nicholson, Ranald. “Domesticated Scots and Wild Scots: The Relationship between Lowlanders and Highlanders in Medieval Scotland”. in *Proceedings of the First Colloquium on Scottish Studies*, 1–16. Guelph: University of Guelph, 1968.
- Nisbet, Alexander. *A System of Heraldry, Speculative and Practical, with the True Art of Blazon, according to the Most Approved Heraldry in Europe*, vol. 2. Edinburgh: Blackwood, 1816.
- Njåstad, Magne. *Grenser for makt. Konflikter og konfliktløsning mellom lokalsamfunn og øvrighet ca. 1300–1540*, PhD dissertation. Trondheim: Norges teknisk-naturvitenskapelige universitet, 2003.
- Njåstad, Magne. “The Eastern Realm’: The King of Norway and the Border Province Jemtland”, in *Rex Insularum. The King of Norway and His ‘Skattlands’ as a Political System c. 1260–c. 1450*, edited by Steinar Imsen, 325–45. Bergen: Fagbokforlaget, 2014.
- Ólafía Einarisdóttir, “Om Samtidssagaens kildeværdi belyst med Hákonar saga Hákonarsonar”, in *Samtíðarsögur II, Forprent, Niunda alþjóðlega fornsagnapíngið*, Akureyri 31.7–6.8.1994, 638–53. Reykjavík, 1994.
- Opsahl, Erik. *Framveksten av herresvein-institusjonen og dens betydning for militærvæsen, maktforhold og social eliteutvikling i Norge ca. 1270–1390*, MA thesis. Oslo: Universitetet i Oslo, 1991.
- Opsahl, Erik. “Bastard Feudalism or Sub-vassality in Medieval Norway”. *Collegium Medievale* 4 (1991/2): 177–214.
- Opsahl, Erik. “Norwegen 1319–1397. Ein ‘willenloser Trabant’ der Nachbarländer?”, in *‘Huru thet war talet j kalmarn’. Union und Zusammenarbeit in der Nordischen Geschichte. 600 Jahre Kalmarer Union (1397–1997)*, edited by Detlef Kattinger, Dörte Putensen and Horst Wernicke, 83–152. Hamburg: Dr. Kovač, 1997.
- Opsahl, Erik. “Norge[...]thette rige som vort federne rige og land”. *Historisk tidsskrift* 81 (2002): 99–118.
- Opsahl, Erik. “Conflict and Alliance. The Question of a National Kingdom – Political Attitudes of Norwegian Gentry and Farmers in the Late Middle Ages”. *Scandinavian Journal of History* 33 (2008): 161–82.
- Opsahl, Erik. “I hvilken grad oppstod norsk nasjonalfølelse og identitet i middelalderen?”, in *Tankar om ursprung. Forntiden och medeltiden i nordisk historiebanning*, edited by Samuel Edquist, Lars Hermanson and Stefan Johansson, 35–52. Stockholm: Statens historiska museum, 2009.
- Opsahl, Erik. “Nasjonal identitet i middelalderen: Båhuslen som del av et norsk nasjonalt felleskap i middelalderen”, in *Bohuslän som gränslandskap. Före och efter Roskildefreden. Bohuslänsmuseums Rapport 2012:47*, edited by Helene Carlsson, 11–22. Uddevalla: Bohuslänsmuseet, 2013.

- Opsahl, Erik. "Fantes det et norsk fellesskap på 1400-tallet?". *Arr. Idéhistorisk tidsskrift* 1 (2014): 15–25.
- Opsahl, Erik. "Der Schottlandfeldzug 1263 – ein militärischer Weckruf? War das norwegische Militärwesen am Ende des Hochmittelalters ins Hintertreffen geraten?", in *Staat – Militär – Gesellschaft. Festschrift für Jens E. Olesen zum 65. Geburtstag*, edited by Robert Oldach and Thomas Wegener Friis, 27–50. Greifswald: Lehrstuhl für Nordische Geschichte, 2015.
- Opsahl, Erik and Sølvi Sogner. *Norsk innvandringshistorie, vol. 1. I kongenes tid 900–1814, del I 900–1537*. Oslo: Universitetsforlaget, 2003.
- Oram, Richard. *The Canmore Kings. Kings and Queens of the Scots 1040–1290*. Stroud: Tempus, 2002.
- Oram, Richard. *Domination and Lordship. Scotland 1070–1230*. Edinburgh: Edinburgh University Press, 2011.
- Oram, Richard. (ed.). *Lordship of the Isles*. Leiden: Brill, 2014.
- Oram, Richard and Paul Adderley. "Innse Gall: Culture and Environment on a Norse Frontier in the Scottish Western Isles", in *The Norwegian Domination and the Norse World, c.1100–c.1400*, edited by Steinar Imsen, 125–48. Trondheim: Tapir, 2010.
- Orning, Hans J. *Unpredictability and Presence. Norwegian Kingship in the High Middle Ages*. Leiden: Brill, 2008.
- Orning, Hans J. "Borgerkrig og statsutvikling i Norge i middelalderen – en revurdering". *Historisk tidsskrift* 93 (2014): 193–216.
- Papadopoulos, Theodore. "Frontier Status and Frontier Processes in Cyprus", in *The Sweet Land of Cyprus. Papers Given at the Twenty-Fifth Jubilee Spring Symposium of Byzantine Studies, Birmingham, March 1991*, edited by Anthony Bryer and George S. Georgiades, 15–24. Nicosia: Cyprus Research Centre, 1993, (15–24).
- Pape, Carsten. "Rethinking the Medieval Russian-Norwegian Border". *Jahrbücher für Geschichte Osteuropas* 52 (2004): 161–87.
- Penman, Michael. *Robert the Bruce. King of Scots*. New Haven and London: Yale University Press, 2014.
- Peterkin, Alexander. *Notes on Orkney and Zetland, Illustrative of the History, Antiquities, Scenery, and Customs of those Islands*. Edinburgh: Shelly & Co., 1822.
- Petre, James. "Donald Balloch, the 'Treaty of Ardtornish-Westminster' and the MacDonald Raids of 1461–3". *Historical Research* 88 (2015): 599–628.
- Pollock, Melissa. *Scotland, England and France after the Loss of Normandy, 1204–1296. 'Auld Amitie'*. Woodbridge: Boydell, 2015.
- Post, Gaines. *Studies in Medieval Legal Thought. Public Law and the State 1100–1322*. Princeton: Princeton University Press, 1964.
- Power, Daniel. "French and Norman Frontiers in the Central Middle Ages", in *Frontiers in Question. Eurasian Borderlands, 700–1700*, edited by Daniel Power and Naomi Standen, 105–27. London: Palgrave, 1999.

- Power, Daniel. "Introduction. A. Frontiers: Terms, Concepts, and the Historians of Medieval and Early Modern Europe", in *Frontiers in Question. Eurasian Borderlands, 700–1700*, edited by Daniel Power and Naomi Standen, 1–12. London: Palgrave, 1999.
- Power, Daniel and Naomi Standen (eds.). *Frontiers in Question. Eurasian Borderlands, 700–1700*. London: Palgrave, 1999.
- Power, Rosemary. "Magnus Barelegs' Expeditions to the West". *Scottish Historical Review* 65 (1986): 107–32.
- Power, Rosemary. "Meeting in Norway: Norse-Gaelic Relations in the Kingdom of Man and the Isles, 1090–1270". *Viking Society for Northern Research* 30 (2005): 5–66.
- Prescott, John. *Boundaries and Frontiers*. Totowa: Rowman and Littlefield, 1978.
- Prescott, John and Gillian Triggs. *International Frontiers and Boundaries. Law, Politics and Geography*. Leiden: Brill, 2008.
- Prestwich, Michael. "Edward I and the Maid of Norway". *Scottish Historical Review* 69 (1990): 157–74.
- Prestwich, Michael. "The Royal Itinerary and Roads in England under Edward I", in *Roadworks: Medieval Britain, Medieval Roads*, edited by Valerie Allen and Ruth Evans, 177–97. Manchester: Manchester University Press, 2016.
- Queller, Donald. "Thirteenth-Century Diplomatic Envoys: Nuncio and Procuratores". *Speculum* 85 (1960): 196–213.
- Queller, Donald. *The Office of the Ambassador in the Middle Ages*. Princeton: Princeton University Press, 1967.
- Reynolds, Susan. *Kingdoms and Communities in Western Europe 900–1300*. Oxford: Clarendon, 1997.
- Reynolds, Susan. "The Idea of the Nation as a Political Community", in *Power and the Nation in European History*, edited by Len Scales and Oliver Zimmer, 54–66. Cambridge: Cambridge University Press, 2005.
- Rixson, Denis. *The West Highland Galley*. Edinburgh: Birlinn, 1995.
- Robberstad, Knut, Magnús Már Lárusson and Gerhard Hafström. "Odelsrett", in *Kulturhistorisk Leksikon for Nordisk Middelalder fra vikingetid til reformationstid*, vol. 12, edited by Finn Hødnebo, cols. 493–503. Oslo: Gyldendal, 1967.
- Robberstad, Knut, Magnús Már Lárusson and Gerhard Hafström. *Retts saga I*. Oslo: Universitetsforlaget, 1976.
- Robberstad, Knut, Magnús Már Lárusson and Gerhard Hafström. "Udal Law", in *Shetland and the Outside World, 1469–1969*, edited by Donald J. Witherington, 49–68. Oxford: Oxford University Press, 1983.
- Rohrbach, Lena. "Repositioning Jónsbók. Rearrangements of the Law in Fourteenth-Century Iceland", in *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, edited by Steinar Imsen, 183–210. Trondheim: Tapir, 2013.
- Rosén, Jerker. "Slotsloven", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid fra vikingetid til reformasjon* 16, 1971, cols. 225–27.

- Rosén, Jerker. "Län", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*, vol. 11, edited by Finn Hødnebo, cols. 103–08. Oslo: Gyldendal, 1966.
- Rosman, Holger. *Bjärka-Säby och dess ägare*. Uppsala: Svenska Kyrkans Diakonist, 1923.
- Ruddick, Andrea. *English Identity and Political Culture in the Fourteenth Century*. Cambridge: Cambridge University Press, 2013.
- Ruggie, John. "Territoriality and Beyond: Problematizing Modernity in International Relations". *International Organization* 47 (1993): 139–174.
- Ryder, Jane. "Udal Law: An Introduction". *Northern Studies* 25 (1988): 1–20.
- Sandnes, Berit. *From Starafjall to Starling. An Investigation of the Formation and Development of Old Norse Place-names in Orkney*, PhD dissertation. Trondheim: Norges teknisk-naturvitenskapelige universitet, 2003.
- Sandnes, Berit. "Fra norn til skotsk: Det norrøne språkets skjebne på Vesterhavsoyene ca. 1300–1750", in *Grenser og grannelag i Nordens historie*, edited by Steinar Imsen, 163–74. Oslo: Cappelen, 2005.
- Saul, Nigel. *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century*. Oxford: Clarendon, 1981.
- Sawyer, Birgit. "Samhällsbeskrivningen i Heimskringla". *Historisk Tidsskrift* 72 (1993): 223–37.
- Sawyer, Birgit. "Sverre Bagge om 'wie es eigentlich gewesen': Snorres skildring av Olav Haraldsson och hans samtid". *Historisk Tidsskrift* 83 (2003): 191–98.
- Scales, Len and Oliver Zimmer (eds.). *Power and the Nation in European History*. Cambridge: Cambridge University Press, 2005.
- Schreiner, Johan. *Hanseatene og Norges nedgang*. Oslo: Steenske forlag, 1935.
- Schreiner, Johan. "Hærmakt og riksstyre". *Historisk Tidsskrift* 36 (1952/3): 99–139.
- Schück, Henrik. *Engelbrekt*. Stockholm: Hugo Gebers, 1915.
- Scott, Walter. *The History of Scotland*, vol. 1. London: Longmann, 1830.
- Seip, Jens. *Lagmann og lagting i middelalderen og det 16de århundre*. Oslo: Dybwad, 1934.
- Seip, Jens. *Sættargjorden i Tunsberg og kirkens jurisdiksjon*. Oslo: Dybwad, 1942.
- Shirreff, John. *General View of the Agriculture of the Orkney Islands*. Edinburgh: Archibald Constable & Co., 1814.
- Sicking, Louis. "Islands and Maritime Connections, Networks and Empires, 1200–1700: Introduction". *International Journal of Maritime History* 26 (2014): 489–93.
- Skene, William F. *The Highlanders of Scotland. Their Origin, History and Antiquities*, vol. 2. London: John Murray, 1837.
- Skene, William F. *Celtic Scotland. A History of Ancient Alban*, vol. 3. Edinburgh: David Douglas, 1880.
- Smith, Anthony. *The Ethnic Origins of Nations*. Oxford: Blackwell, 1986.
- Smith, Anthony. *National Identity*. Harmondsworth: Penguin, 1991.

- Smith, Anthony. *Myths and Memories of the Nation*. Oxford: Oxford University Press, 1999.
- Smith, Brendan. "The Frontiers of Church Reform in the British Isles, 1170–1230", in *Medieval Frontiers. Concepts and Practices*, edited by David Abulafia and Nora Berend, 239–53. Aldershot: Ashgate, 2002.
- Smith, Brian. "The Picts and the Martyrs or Did the Vikings kill the Native Population of Orkney and Shetland?". *Northern Studies* 36 (2001): 7–32.
- Smith, Brian. "Earl Henry Sinclair's Fictitious Trip to America". *New Orkney Antiquarian Journal* 2 (2002): 2–28.
- Smith, Brian. "The Archdeaconry of Shetland", in *Ecclesia Nidrosiensis 1153–1537. Søkelys på Nidaroskirkens og Nidarosprovinsens historie*, edited by Steinar Imsen, 161–69. Trondheim: Tapir, 2003.
- Smith, Brian. "Hákon Magnusson's Root-and-Branch Reform of Public Institutions in Shetland c. 1300", in *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, edited by Steinar Imsen, 103–14. Trondheim: Tapir, 2011.
- Smith, Brian. "The Nidaros Church and 'Norgesveldet': Shetland to 1470", in *'Ecclesia Nidrosiensis' and 'Noregs veldi'. The Role of the Church in the Making of Norwegian Domination in the Norse World*, edited by Steinar Imsen, 162–76. Trondheim: Tapir, 2012.
- Staecker, Jörn (ed.). *The European Frontier. Clashes and Compromises in the Middle Ages*. Lund: Almqvist & Wiksell, 2004.
- St. Clair, Ronald. *The Saint-Clairs of the Isles. Being a History of the Sea-Kings of Orkney and their Scottish Successors of their Sirname of Sinclair*. Auckland: H. Brett, 1898.
- Standen, Naomi. "Introduction. B. Nine Case Studies of Premodern Frontiers", in *Frontiers in Question. Eurasian Borderlands, 700–1700*, edited by Daniel Power and Naomi Standen, 13–31. London: Palgrave, 1999.
- Steinnes, Asgaut. *Gamal skatteskippnad i Noreg*, vol. 2. Oslo: Dybwad, 1933.
- Stevenson, Katie (ed.). *The Herald in Late Medieval Europe*. Woodbridge: Boydell, 2009.
- Stevenson, Katie. *Power and Propaganda: Scotland 1306–1488*. Edinburgh: Edinburgh University Press, 2014.
- Stieldorf, Andrea. *Marken und Markgrafe. Studien zur Grenzsicherung durch die fränkisch-deutschen Herrscher*. Hannover: Hahnsche Buchhandlung, 2012.
- Storm, Gustav. "Magnus Barfods Vesterhavstog". *Historisk tidsskrift* 7 (1882): 1–20.
- Storm, Gustav. "Om Amund Sigurdssøn Bolt og Urolighederne i det sydlige Norge 1436–38". *Historisk tidsskrift* 3 (1892): 101–40.
- Strauch, Dieter. *Mittelalterliches nordisches Recht bis 1500. Eine Quellenkunde*. Berlin: De Gruyter, 2011.

- Stubbs, William. *The Constitutional History of England*, vol. 3. Oxford: Clarendon, 1875.
- Stylegar, Frans-Arne. "Central Places' in Viking Age Orkney". *Northern Studies* 38 (2004): 5–30.
- Taranger, Absalon. *Norges historie fremstillet for det norske folk*, vol. 3, Part 2. Christiania: Aschehoug, 1917.
- Thompson, James. "Profitable Fields of Investigation in Medieval History". *American Historical Review* 18 (1913): 490–504.
- Thomson, Thomas. *A History of the Scottish People from the Earliest Times*. London: Blackie & Son, 1895.
- Thomson, William. "Fifteenth Century Depression in Orkney: The Evidence of Lord Henry Sinclair's Rentals", in *Essays in Shetland History. Heiðursrit to T.M.Y. Manson*, edited by Barbara E. Crawford, 125–41. Lerwick: Shetland Times, 1984.
- Thomson, William. *Lord Henry Sinclair's 1492 Rental of Orkney*. Kirkwall: Orkney Press, 1996.
- Thomson, William. *The New History of Orkney*. Edinburgh: Birlinn, 2008 (a).
- Thomson, William. *Orkney Land and People*, Kirkwall: Orcadian Limited, 2008 (b).
- Tobiassen, Torfinn. "Lagmann. Norge", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*, vol. 10, edited by Finn Hødnebo, cols. 153–62. Oslo: Gyldendal, 1965.
- Trætteberg, Hallvard. "Lagtingssegl", in *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid*, vol. 10, edited by Finn Hødnebo, cols. 184–92. Oslo: Gyldendal, 1965.
- Turner, Fredrick. *The Frontier in American History*. New York: Henry Holt & Co., 1921.
- Tveit, Miriam. "The Introduction of the Law of the Realm in Northern Norway", in *Legislation and State Formation. Norway and its Neighbours in the Middle Ages*, edited by Steinar Imsen, 41–54. Trondheim: Tapir, 2013.
- Venge, Mikael. "Bondefred og græsefred". *Historisk tidsskrift* [DK] 14 (1980): 40–63.
- Watson, Foster. "Settling the Stalemate: Edward I's Peace in Scotland, 1303–1305", in *Thirteenth Century England VI, Proceedings of the Durham Conference 1995*, edited by Michael Prestwich, Richard Britnell and Robin Frame, 127–44. Woodbridge: Boydell, 1997.
- Wærdahl, Randi. "The Norwegian Realm and the Norse World: A Historiographic Approach", in *The Norwegian Domination and the Norse World c.1100–c.1400*, edited by Steinar Imsen, 35–58. Trondheim: Tapir, 2010.
- Wærdahl, Randi. *The Incorporation and Integration of the King's Tributary Lands into the Norwegian Realm, c. 1195–1397*. Leiden: Brill, 2011.
- Wærdahl, Randi. "Dronning Isabella Bruce", in *Eufemia Oslos middelalderdronning*, edited by Bjørn Bandlien, 99–110. Oslo: Dreyers, 2012.
- Wawn, Andrew. *The Vikings and the Victorians: Inventing the Old North in Nineteenth-Century Britain*. Cambridge: Cambridge University Press, 2000.

- Weig, Gebhard. *Das ius conducendi der Bischöfe zu Würzburg. Eine Studie zur Rechtsstruktur, politischen Funktion und Organisation des Geleitsrechtes im Hochstift Würzburg während des 15. und 16. Jahrhunderts*, PhD dissertation. Würzburg: Julius-Maximilians-Universität Würzburg, 1970.
- Whyte, Ian. *Scotland Before the Industrial Revolution. An Economic and Social History C.1050–c. 1750*. New York: Routledge, 1995.
- Williams, Gareth. *Land Assessment and Military Organisation in the Norse Settlements in Scotland, c. 900–1266 A.D.*, PhD dissertation. St Andrews: University of St Andrews, 1996.
- Williams, Gareth. "Land Assessment and Silver Economy of Norse Scotland", in *Sagas, Saints and Settlements*, edited by Gareth Williams and Paul Bibire, 65–104. Leiden: Brill, 2003.
- Willoweit, Dietmar. "Rezeption und Staatsbildung im Mittelalter", in *Akten des 26. Deutschen Rechtshistorikertages*, edited by Dieter Simon, 19–44. Frankfurt am Main: Ius Commune, 1987.
- Woodman, Ilsa. *Education and Episcopacy. The Universities of Scotland in the Fifteenth Century*, PhD dissertation. St Andrews: University of St. Andrews, 2011.
- Woolf, Alex. *From Pictland to Alba, 789–1070*. Edinburgh: Edinburgh University Press, 2007.
- Wubs-Mrozewicz, Justyna. "Interplay of Identities: German Settlers in Late Medieval Stockholm". *Scandinavian Journal of History* 29 (2004): 53–67.
- Wubs-Mrozewicz, Justyna. *Traders, Ties and Tensions: The Interactions of Lübeckers, Overijsslers and Hollanders in Late Medieval Bergen*. Hilversum: Verloren, 2008.
- Wubs-Mrozewicz, Justyna. "Fish, Stock and Barrel. Changes in the Stockfish Trade in Northern Europe, c.1360–1560", in *Beyond the Catch. Fisheries of the North Atlantic, the North Sea and the Baltic, 900–1850*, edited by Louis Sicking and Darlene Abreu-Ferreira, 187–208. Leiden: Brill, 2009.
- Wubs-Mrozewicz, Justyna. "Rules of Inclusion, Rules of Exclusion: The Hanseatic Kontor in Bergen in the Late Middle Ages and its Normative Boundaries". *German History* 29 (2011): 1–22.
- Wubs-Mrozewicz, Justyna. "Hansards and the 'Other'. Perceptions and Strategies in Late Medieval Bergen", in *The Hanse and Late Medieval Europe*, edited by Justyna Wubs-Mrozewicz and Stuart Jenks, 149–79. Leiden: Brill, 2013.
- Young, George. *From the Vikings to the Reformation. A Chronicle of the Faeroe Islands up to 1538*. Douglas: Shearwater Press, 1979.
- Youngs, Deborah. *The Life Cycle in Western Europe, c. 1300–1500*. Manchester: Manchester University Press, 2006.

Index

- Åbo 166
Adam of Muir 232, 243, 244
Adam of Nistagar 243
Agder 223
age of majority 72, 97, 203, 204, 205, 206, 208, 209
Agneta of Strathearn 98
Akershus 79, 165
Albrecht of Mecklenburg 166
Alexander Brown 75, 241
Alexander de Ard 39, 100, 117, 118, 119, 120, 123, 127, 128, 132, 141, 169, 236, 238
Alexander II, king of Scots 55, 56, 154
Alexander III, king of Scots 1, 24, 32, 53, 56, 57, 58
Alexander MacDonald, earl of Ross 177, 178, 179, 185
Alexander Nisbet 203
Alexander of Clapham 120, 121, 241
Alexander of Sutherland 244
Alexander Stewart 119, 236
alþingi, Faeroese assembly 194
alþingi, Icelandic assembly 9, 194
ambassador (see envoy)
American, America 28, 29, 100
Amund Sigurdsson Bolt 124, 235
Anderson, Joseph 83
Anderson, Peter 123
Andrew of Wyntoun 182
Anglo-Irish frontier 155
Anglo-Scottish frontier 153, 155, 250, 257, 258
Angus 17, 33, 83, 84, 97, 102, 144
Angus Magnuss 128, 132
Angus of Kirkness 146
Anklam 68
annual (payment) of Norway 32, 58, 59, 60, 61, 107, 108, 109, 134, 137, 138, 145, 250
Antrim 182
archdeacon, archdeaconry of Shetland 136, 139, 141, 146, 227, 232, 242
Arild Huitfeldt 148, 149, 150, 151, 201, 202
armiger 72, 73, 83, 104, 130, 145, 157, 166, 241
Armstrong, Jackson 211
Arne Lorje 115
assize 192, 196, 211–212, 219
Atholl 78, 84
Avignon 142, 143, 170
Båhus 165
Båhuslen 166, 250
baillie 61, 64, 71, 75, 76, 77, 78, 84, 100, 101, 110, 113, 116, 125, 127, 128, 129, 130, 131, 132, 133, 137, 175, 176, 179, 180, 183, 184, 185, 186, 236
Balfour, David 189, 190, 219, 220
Baltic 6, 72, 73, 76, 77, 254, 257
Bandlien, Bjørn 11, 12
Banff 119
Barrett, James 66
Barth, Fredrik 44, 45, 221, 247
Bartholomeus Anglicus 181
Battle of Homildon Hill 187
Battle of Largs 56, 86, 136, 161
Belgium 154
Benedictow, Ole Jørgen 160
Bergen 39, 49, 50, 56, 61, 65, 68, 69, 71, 72, 73, 74, 80, 86, 87, 88, 90, 91, 114, 118, 134, 145, 146, 159, 171, 197, 200, 217, 219, 254
Bergenhus 165
Bernhard Peff 71
best-men (noblest men) 214, 229, 230, 231, 232, 239, 242
birlinn (see galley)
bishop, bishopric of Orkney 2, 14, 18, 19, 32, 33, 39, 41, 42, 57, 61, 62, 67, 75, 85, 88, 96, 97, 100, 110, 111, 113, 115, 116, 117, 122, 123, 125, 126, 127, 129, 134–153, 162, 168, 169, 170, 171, 173, 174, 175, 176, 179, 182, 183, 184, 185, 186, 194, 201, 202, 213, 227, 228, 229, 230, 231, 233, 236, 242, 250
Bjärka-Säby 166
Bjarne, bishop of Orkney 88, 115, 137
Bjørn Thorleifsson 108
Bjørstjerne Bjørnson 166
Black Death 18, 59, 77, 162, 184
Bo Jonsson (Grip) 166
Boniface IX, pope 143
Bothwell 232
Brathwell 119

- Brechin 144
 Brégaunt, David 9
 Bremen 68
 Brøgger, Anton W. 14, 15, 225
 Brown, Michael 212
bu (property) 233
 Bube Skinner 232
 Buchan 229, 231, 232
 burgess 110, 127, 129, 130, 175, 176, 179, 180,
 183, 184, 185, 186
býfógi 128
 Byzantine Empire 28
- Cairncross 232
 Caithness 16, 19, 25, 30, 31, 32, 33, 45, 47, 52,
 57, 64, 66, 72, 75, 84, 86, 87, 93, 94, 96,
 98, 100, 101, 105, 106, 117, 119, 129, 131, 149,
 165, 177, 180, 181, 232, 236, 238, 239, 244
 Campbell, Stuart 185
 canon 61, 136, 137, 139, 143, 146, 147, 201, 231, 242
 Cape Wrath 54
 castellan 123, 124, 166, 223
 castle 50, 61, 113, 119, 123, 144, 155, 156,
 165, 157, 174
 caterans 176, 182, 185
 chancellor of Norway 145
 Charles VII, king of France 107, 108
 Christian I, king of Norway 39, 107, 108, 109,
 110, 111, 130, 131, 147, 148, 149, 150, 151, 153,
 175, 185, 189, 201, 218, 219, 235, 255
 Christian IV, king of Norway 218
 Christian Linklat 243
 Christian of Sanday 231
 Christian of Tain 232
 Christian-Muslim frontier 28, 155
Chronica Gentis Scotorum 42
Chronicle of Melrose 57, 59
 Claude de Seyssel 223
 Clement VII, pope 143
 Clouston, J. Storer 11, 16, 17, 37, 39, 41, 43, 72,
 121, 125, 128, 131, 176, 190, 195, 200, 203,
 209, 210, 211, 213, 215, 219, 220, 225, 226,
 230, 231, 232, 233, 240, 243, 245
 codfish 254
 Colchester 143
 communal seal (*Sigillum Communitatis*
Orcadie) 123, 197, 199, 200, 201, 208, 211,
 213, 215, 219, 242
 community of Orkney (*communitas*
Orkadensis) 79, 131, 200, 201, 221, 228, 242
- Complaint of the People of Orkney* 19, 20, 41,
 113, 123, 125, 156, 181, 184, 199, 203, 207,
 213, 215, 237, 238, 239, 240, 241, 245
 Copenhagen 72, 103, 109, 110, 113, 123, 125,
 130, 131, 149, 151, 153, 163, 199, 219, 241,
 242, 256
 coroner 47
 Cospatrick I, earl of Dunbar 258
 Coulson, Charles 167
 council of the Realm 83, 98, 117, 163, 172,
 234, 235
 countrymen (*men jnlenszka*) 21, 140, 230,
 231, 232, 233, 236, 237, 239, 240, 247, 253
 Cowan, Edward J. 203
 Crawford, Barbara E. 3, 10, 11, 18, 19, 25, 30,
 31, 32, 33, 42, 43, 45, 46, 51, 52, 53, 57, 58,
 71, 72, 75, 78, 84, 86, 88, 93, 98, 100, 101,
 102, 103, 104, 107, 108, 109, 111, 113, 115, 116,
 129, 131, 135, 136, 139, 142, 143, 146, 147,
 149, 151, 164, 168, 169, 170, 171, 172, 176,
 179, 180, 181, 197, 203, 207, 225, 227, 230,
 232, 238, 248
 Crawford, earldom 180
 Crete 257
 Cubbie Roo 165
 curia, Rome 142, 146, 147
 Cyprus 257
- Danish, Denmark 6, 12, 14, 16, 40, 70, 73, 76,
 77, 80, 104, 109, 115, 124, 125, 150, 160,
 166, 175, 201, 207, 223, 224, 235, 236,
 240, 254
 David Crichton 100
 David I, king of Scots 258
 David II, king of Scots 47, 78, 79, 80
 David Menzies of Weem 19, 20, 39, 41, 81, 113,
 121, 122, 123, 125, 126, 133, 134, 145, 156,
 181, 199, 202, 203, 205, 206, 207, 208, 209,
 210, 211, 212, 213, 214, 215, 219, 237, 238,
 239, 241, 242, 243, 247, 256
 David Stewart 119, 236
 David Tulloch 146
 deputies (*lénsmenn/embetsmenn*) 81, 120,
 193, 234, 236, 256
Digestæ 191
Diplomatarium Norvegicum 39, 40
 dominion 1, 6, 8, 16, 23, 24, 34, 39, 62, 63, 65,
 67, 77, 78, 81, 82, 99, 108, 164, 173, 216,
 248, 249, 251, 252, 254, 257, 259
 Donaldson, Gordon 2, 17, 202, 203, 218

- Donnachie 78
 Dorothy, queen of Denmark 147
 Douglas, earldom 101, 180
 Dounreay 232
 duke, dukedom 68, 90, 92, 159, 160, 192, 194,
 226, 227, 255
 Dunbar 258
 Dunbeath 244
 Duncan Anderson 78, 79, 80, 117, 228, 236,
 252
 Duncan of Cairncross 232
 Dunkeld 143
 dynastic unions (Nordic) 76, 77, 78, 121, 124,
 160, 162, 234, 254
 Dyrgehus (Båhuslen) 166

 Edgar, king of Scots 31, 53, 55
 Edinburgh 15, 122, 133, 171, 203, 206, 218, 256
 Edward I, king of England 50, 72, 95, 96, 212
 Edward II, king of England 75, 95
 Egidia Douglas 215
 Eindrid, Norwegian official 226, 227
 Elgin 96
 Ellenblum, Ronnie 27
 Ellis, Steven G. 48, 248
 Engelbrecht Lünning 139
 Engelbrekt Engelbrektsson 124
 England, Englishmen 12, 49, 50, 53,
 58, 60, 66, 67, 89, 72, 75, 91, 94,
 95, 96, 106, 126, 143, 146, 147, 151,
 153, 154, 155, 167, 175, 180, 181, 183,
 187, 212, 224, 250, 258
 envoy, ambassador 55, 56, 57, 58, 62, 73, 91,
 94, 96, 97, 98, 115, 136, 137, 145, 146, 150,
 151, 154
 Erengisle Sunesson 98, 102
 Eric II, king of Norway 68, 95, 96, 194, 216
 Eric III, king of Norway 81, 103, 104, 105, 107,
 113, 120, 121, 122, 123, 124, 125, 130, 144,
 145, 161, 165, 172, 186, 235, 236, 256
 Eric Sæmundsson 223
 Erskine, John 205, 209
 Esser, Rainard 48, 248, 250
 Euphemia of Strathearn 101
 European Union 36
 Evergates, Theodore 105

 Faeroes 12, 66, 68, 192, 194, 195
 Fenton, Alexander 84
 Fergus of Ross 232

 feudal, feudalism 19, 32, 59, 85, 86, 90, 104,
 105, 106, 121, 160, 164, 165, 189, 190, 219,
 220, 240
 fief, fief-holding 30, 89, 105, 113, 123, 124, 125,
 144, 162, 166, 208, 235, 256
 fief-holding 89, 124, 125, 162, 235, 256
finalis concordia (see Treaty of Perth)
 Finland 6, 166
 First World War 154
 fish, fishing 66, 67, 68, 71, 175, 175, 254
 Flanders 105, 146, 147
 foreigner 10, 21, 23, 24, 30, 33, 45, 49, 50,
 62, 68, 70, 80, 81, 82, 87, 99, 105, 106,
 114, 115, 121, 122, 123, 124, 134, 140, 141,
 148, 150, 151, 152, 158, 165, 167, 168, 173,
 175, 186, 187, 212, 214, 215, 219, 223–247,
 253, 256
 Forsyth, William 212
 fortress (see castle)
 foud 120, 125, 128, 219, 238, 239
 France, John 6
 Franciscans 57, 137
 Frankish 248
 freeholder, freeholding 67, 69, 211
 French, France 22, 28, 108, 167, 187, 223, 249
fríðar-brefi 56
 frontier mentality 155
 Frösön 198
Frostaping Law 191, 204

 goding (*gæðingr*) 233
 Gaelic 22, 51, 52, 84, 176, 181, 225
 galley 178, 183, 185
 gallowglass 185
 Ganshof, François Louis 104
Genealogy (Diploma) 42, 98, 100, 103, 117, 174,
 175, 201, 242
 German, Germany 14, 28, 45, 48, 49, 50, 67,
 68, 69, 93, 124, 154, 181, 223, 235, 236,
 249, 254, 255
 Gierke, Otto von 191
 Gilbert, bishop of Hamar 136
 Gissur Thorvaldsson, earl of Iceland 92
gjaldkeri 128
 Glasgow 101
 Glorious Revolution 154
 Goodman, Anthony 155
 good-men 141, 214, 215, 230, 233, 239, 240,
 241, 242, 243, 246, 247
 Gorski, Richard 212

- Grágás* 195, 224
 Grant, Alexander 22
 Greenland 12, 143
 Greifswald 68
 Grimm, Jacob 35
 Grimsby 66
 Gripsholm 166
 Groundwater, Anna 250, 258
 guardian, guardianship 81, 97, 117, 118, 128, 148, 180, 204, 205, 206, 207, 208, 209, 228, 252
 Gudbrand Anderson 231, 232
Gulaping Law 191, 204
 Guthrie, William 101
 Guttorm Sperra 98

 Haki Antonsson 135
 Hákon IV, king of Norway 1, 9, 13, 32, 53, 55, 56, 57, 59, 61, 62, 64, 67, 73, 85, 86, 91, 92, 94, 115, 136, 137, 154, 158, 221
 Hákon Jonsson 116, 127, 132, 140, 141, 169, 213, 228, 229, 231, 236
 Hákon V, king of Norway 68, 71, 73, 74, 75, 76, 77, 92, 97, 117, 121, 160, 192, 193, 194, 195, 196, 198, 216, 227
 Hákon VI, king of Norway 47, 68, 79, 80, 83, 100, 102, 117, 118, 120, 123, 132, 141, 142, 161, 164, 165, 168, 169, 170, 216, 236, 245
Hákonar saga hákonarsonar 1, 42, 55, 56, 86, 200
 Halland 76
 Hålogaland 198, 250
 Halvard, bishop of Hamar 139
 Häme 166
 Hanef *ungi* 115
 Hanseatic, Hanse 49, 50, 66, 68, 226
 Harald I, king of Norway 6, 53
 Harald Maddadsson, earl of Orkney 31, 84, 86, 87, 88, 89, 90, 92, 107, 114, 115
 Hebrides 1, 12, 21, 31, 32, 44, 53, 55, 56, 57, 58, 59, 60, 63, 64, 66, 154, 176, 177, 182, 183, 185, 186, 189, 252, 255
 Helgi Þorláksson 152
 Helsingborg 172
 Henry Garrioch 244
 Henry I, earl of Orkney 18, 50, 51, 80, 81, 83, 84, 99, 100, 101, 102, 106, 120, 121, 123, 141, 142, 156, 162, 163, 164, 167, 168, 169, 170, 171, 172, 173, 174, 175, 181, 184, 187, 204, 236, 241, 251, 258
 Henry I, king of England 258
 Henry II, earl of Orkney 41, 51, 81, 84, 101, 102, 103, 121, 122, 126, 144, 174, 187, 203, 205, 206, 207, 208, 209, 215, 237, 256
 Henry III, king of England 53, 91
 Henry Randall 200, 201
 Henry Sinclair, Scottish baillie 75, 100
 Henry V, king of England 91
 Henry VI, king of England 146
 Henry VII, king of England 153
 Henry Williams 141, 231
 Henry, bishop of Greenland 143
 Henry, bishop of Hólar 137
 Henry, bishop of Orkney 57, 61, 136, 137, 138
 Herman Molteke 124
 herring 254
 Highlands, Highlander 21, 41, 176, 181, 182, 185, 239, 252
hirð (royal retinue) 40, 87, 130, 159, 160, 162, 164, 240
 Hirdmanstein 200
Hirðskrá 40, 86, 88, 89, 90, 91, 92, 94, 107, 109, 110, 130, 159, 160, 161, 162, 163, 167
Historia Norwegie 51, 55, 60
History of the MacDonalds 42
Holinshed's Chronicle 42, 175
 Holmsen, Andreas 14
 Holstein-Pinneberg 255
 Holstein-Rendsburg 255
 home-rule (see self-governance)
 Hossack, Buckham 174
 Hugh (Austin) MacDonald 178, 179, 180, 183

 Iberian Peninsula 28, 70, 257
 Icelandic, Iceland 9, 12, 20, 37, 42, 65, 66, 68, 69, 80, 91, 92, 108, 137, 142, 149, 152, 153, 169, 182, 172, 181, 189, 191, 194, 195, 198, 217
Icelandic Annals 42, 142, 169, 172
 impignoration (pledge) 13, 14, 16, 32, 34, 39, 111, 217, 250, 255, 256
 Imsen, Steinar 11, 19, 20, 25, 34, 35, 46, 78, 85, 87, 89, 103, 107, 128, 162, 187, 191, 195, 196, 197, 198, 216, 217, 225, 231, 240, 244, 245, 246, 255
 Inge II, king of Norway 115
 Ingeborg, duchess of Norway 76

- inheritance 84, 85, 92, 95, 97, 102, 117, 168,
 192, 204, 205, 228, 234, 235, 242
 Innes, Cosmo 16
innföðsretten 234
 Innocence IV, pope 136
 installation charter 39, 51, 102, 106, 109, 111,
 112, 163, 169, 174, 184, 203, 209
 Inverness 39, 47, 57, 62, 71, 86, 96, 97,
 138, 142
 Ireland 31, 53, 60, 67, 176, 177, 179, 181,
 182, 183
 Irish Sea 1, 6, 11, 31, 51, 53
 Isabella Bruce 96
 Isabella of Strathearn 100, 101, 102
 Isle of Man 32, 54, 55, 58, 59, 63, 64, 189, 255
 Isle of Skye 32, 53, 154, 155, 183
- James I, king of Scots 104, 126, 145
 James II, king of Scots 104, 106, 107, 108, 109,
 112, 150, 178, 179, 186, 252,
 James III, king of Scots 1, 39, 112, 129, 148,
 149, 150, 151, 152, 153, 179, 180, 186,
 252, 255
 James of Cragy 143, 162, 199, 201, 243
 James V, king of Scots 174, 219, 220
 James VI, king of Scots 189, 218
 James, Edward 156
Járnsíða 194
 Jemtland 195, 198
 John Balliol 95
 John Fife 244
 John Haraldsson 130, 132, 241
 John I, earl of Orkney 83, 115
 John II, earl of Orkney 72, 83, 94, 95, 96, 98
 John MacDonald, earl of Ross and lord of the
 Isles 108, 110, 117, 131, 168, 175, 179, 180,
 182, 183, 252
 John Mager 130, 132
 John Major 42, 182
 John of Baddy 238
 John of Bothwell 232
 John of Dounreay 232
 John of Fetlar (Pentlar) 142
 John of Fordun 42, 182
 John of Hexham 154
 John of Kirkness 200
 John of Orkney 231
 John Pak, bishop of Orkney 143
 John Proctor 231
 John Robertson 231
- John Sinclair (Orkney) 232
 John Sinclair (Shetland) 121
 John Tulloch 146
 Johnston, Alfred W. 17, 225
 Jón Viðar Sigurðsson 22
Jónsbók 194
 junker 203
Juratus 148
 justiciar court 211
 Justinian, emperor 191
- kingsland (pro reges) 85
 Kirkwall 42, 50, 57, 61, 73, 74, 100, 101, 110,
 113, 120, 127, 128, 129, 130, 131, 136, 144,
 145, 156, 174, 175, 183, 229, 241, 243, 250
 Kirkwall Castle 113, 123, 144, 156, 174
 knight 76, 83, 94, 98, 101, 104, 123, 130,
 134, 136, 145, 157, 172, 173, 174, 211, 223,
 235, 241
 Knut Porse 76
 Kokkonen, Jukka 70
 Kolbein Flett 244
 Kolbein *hruga* 200
 Kurdish 253
- Larsson, Lars-Olof 124
 Latin 18, 22, 28, 39, 43, 100, 103, 128, 137, 151,
 181, 245
 law 7, 14, 20, 22, 23, 24, 34, 40, 50, 63, 88,
 89, 90, 91, 99, 102, 118, 119, 120, 121, 144,
 158, 165, 166, 189, 190, 191, 192, 193, 194,
 195, 196, 197, 198, 199, 200, 201, 202, 203,
 204, 205, 206, 207, 208, 209, 210, 211,
 212, 213, 214, 215, 216, 217, 218, 219, 220,
 221, 222, 223, 224, 228, 229, 234, 235,
 236, 237, 246, 247, 248, 251, 253, 255,
 256, 258
 lawbook 144, 194, 195, 213, 217, 219, 221
 lawman (*logmaðr*) 80, 111, 143, 148, 171, 192,
 193, 196, 197, 198, 199, 200, 201, 202, 211,
 213, 217, 219, 220, 238, 239, 242, 243,
 245, 246
 lawrightmen (*loggréttumenn*) 193, 197, 211,
 217, 220
 lawthing (*logþing*) 172, 193, 196, 197, 211, 212,
 213, 217, 219, 220, 221, 229, 240
 Leslie, John 16
 levy (*leiðang*) 85, 90, 154, 157, 160, 161, 165
 liegeman-letter 240, 241
 Linton, Ralph 226

- localism 20, 22, 133, 141, 195, 196
 lord, lordship of the Isles (Hebrides) 108,
 110, 131, 168, 175, 176, 177, 179, 180, 182,
 183, 184, 252
 lords of Norrøway 197
 Lothian 19, 83, 84, 101
 Lowlands 21, 83, 100, 129, 171, 176, 181, 182,
 225, 239, 252
 Lübeck 67, 71, 73, 254
 luing (see galley)
 Lustig, Richard 58, 59, 137

 Macdonald, Alastair J. 258
 Macdonald, Norman 150
 Magnus I, earl of Orkney 225
 Magnus III, earl of Orkney 32, 53, 64, 85, 86,
 87, 89, 90, 92, 93, 106, 107, 109, 111, 112,
 115, 158, 159, 186, 187
 Magnus III, king of Norway 6, 30, 31, 53, 55
 Magnus in Rannland 243
 Magnus Olavsson, king of the Isles
 (Hebrides) 154
 Magnus V, earl of Orkney 84, 96, 97, 98,
 116, 138
 Magnus V, king of Norway 88
 Magnus VI, king of Norway 1, 7, 23, 24, 34,
 56, 57, 58, 61, 86, 87, 89, 93, 94, 107,
 115, 128, 136, 137, 158, 168, 186, 187, 191,
 192, 193, 194, 195, 196, 216, 218, 221,
 248, 251
 Magnus VII, king of Norway 47, 68, 76, 77,
 79, 97, 98, 160, 162
Magnúss saga lagabætis 1, 42, 57, 115
 Mainland (Orkney) 200, 231
 Malcolm Jonsson 244, 245
 Malise Sperra 80, 100, 142, 170, 171, 172, 173
 Malise Tulloch 146
 Malise, earl of Orkney 79, 98, 100, 101, 102,
 116, 117, 228
 march 6, 28, 93, 257
 March of Wales 28, 93, 156
 March, earldom 101
 Margaret, 'maid' of Norway 94, 95
 Margaret, princess of Denmark 39, 109, 151
 Margaret, queen of Norway 172, 216, 254
 Marjory Sinclair 203
 Marjory Sutherland 244
 Mark (see march)

 Marstrand 83, 100, 101, 162, 170, 241
 Martin V, pope 144
 Marwick, Hugh 157
 mercenaries 185, 211
 Michael Magee 238
 Midlothian (see Lothian)
 Missel (Michael) 94
 Moray 96, 151, 152
 Mudro MacCotter 178
 Mühlmann, Wilhelm 226
 Munch, Peter Andreas 12, 13, 14, 15, 16, 18, 19,
 20, 59, 83, 99, 100, 117, 134, 139, 140, 141,
 152, 169, 171, 172, 173, 225, 226, 227, 228,
 229, 230, 231, 232
 Munkeliv Monastery 197
 Murdo MacCotter 178
 Murkle 96
 Muslim 28, 70, 155

National Law 7, 191, 192, 194, 195, 204, 205,
 216, 217
 nativism 223, 226, 234, 239, 247
 Nidaros 2, 19, 135, 136, 139, 140, 143, 163
 Niels Muir 243
 Niels Thomson 217
 Nithsdale 106
 Norse, Norwegian language 18, 22, 151,
 200, 245
 Northern Norway 68, 69, 160, 198
 Northmavin 120
 Northumberland 258
 Nyköping 166

 odal, allodial 84, 85, 114, 189, 200, 219, 220,
 232, 233, 240
 Ødegård project 184
 Ogmund *krökidans* 57, 61, 115, 158
 Olav II (St. Olav), king of Norway 195, 216
 Olav IV, king of Norway 195, 196, 214, 216
 Olav Mortensson, bishop of Roskilde 240
 Olav Skutt 232
 Oliver Cromwell 219
 Opsahl, Erik 122, 160, 234, 235, 250
orbotamál 118
 Orkneyfication 18
Orkneyinga saga 37, 65
 Orning, Hans Jacob 9, 86
 Oslo Fjord 124, 235

- Papal Schism 142, 143, 170
 Paris 108
 Parliament of Scotland 75, 189, 218
pater potestas 204
 Patrick I, earl of Orkney 189, 190, 219
 Patrick Kaldar 232
 Patrick Mowat 72, 73, 74
 Patrick Thorgilsson 199
 peasant or provincial commune, peasant
 communalism 23, 34, 78, 125, 131, 193, 195,
 196, 198, 217, 221, 255
 peasant revolt (Norway) 124, 234, 235, 256
 Pentland Firth 19, 24, 25, 30, 32, 33, 34, 51,
 52, 53, 60, 65, 85, 95, 96, 101, 112, 120, 139,
 165, 175, 186, 232
 Perthshire 237
 Peter's Pence 139, 227
 Philip de Carribyr 110
 Philippa, queen of Norway 81, 113, 123,
 125, 126, 127, 130, 145, 199, 202, 207,
 213, 245
 Picts 10, 52
 Piers Lutfut 244
 pilgrim, pilgrimage 62, 75, 79, 80, 249
 Pollock, Melissa 106
 pope, papacy 136, 139, 142, 143, 144, 146, 148,
 149, 170
 Power, Daniel 28
 Privy Council 217, 218
 Privy Seal 151

 Quoygrew 66

 Ragnhild of Shetland 226, 227
 Ragnvald of Randall 200
 Rakkestad 124
 Raphael Holinshed 175
 realm of Norway (*Noregs uelldii*) 7, 21, 22,
 23, 34, 49, 69, 78, 83, 86, 92, 159, 190, 198,
 218, 234, 250, 256
 Reamhair the Fat 78
 Reconquista 28
 regnal communities 4, 5, 6
 rental (Sinclair) 43, 184, 243
 Reynolds, Susan 4
 Richard Brown 75
 Richard Foxe, bishop of Winchester 153
 Richard II, king of England 187
 Richard of Rousay 231
 Riga 68
 Robberstad, Knut 218
 Robert I, earl of Orkney
 Robert I, king of Scots 44, 62, 71, 73, 74, 75,
 76, 77, 96, 97, 116, 138
 Robert II, king of Scots 118, 119, 120
 Robert III, king of Scots 75, 187
 Robert of Bening 130, 132, 241
 Robert Sinclair, bishop of Orkney 142, 143,
 170
 Rognvald Kali Kolsson, earl of Orkney 66,
 135
 roithmen 219, 220
 Rome, Roman 23, 142, 143, 147, 167, 170, 209
 Ronaldsay 181, 182, 238, 239
 Roslin 83, 84, 101, 106, 110, 179
 Ross, earldom 53, 101, 108, 110, 129, 131, 154,
 155, 168, 175, 176, 177, 179, 186, 188, 232,
 244, 252
 Rostock 68, 254
 royal ordinances (*skipan*) 92, 216
 Ruggie, John 26
 Russian 224
 Ryder, Jane 217, 218, 219

Sættargjerden 163
 Saint-Clair, Roland 100, 149
 Samsø 76
 Samson Williamson 244, 245
 Sandnes, Berit 200, 243
 Saxon, Saxonia 248, 249
 Scalloway 172
 Scania 70, 254
 Schauenburg 255
 Schleswig 255
 Scone 75, 146
Scotichronicon 42
 Scots English language 8, 18, 22, 151, 200,
 204, 245, 253
 Scott, Walter 15
 Scottification 3, 14, 19, 25, 83, 114, 127, 135,
 138, 220, 225, 254, 256
 Scottish Admiral 101
 Scottish Wars of Independence 72
 seal 96, 101, 104, 123, 138, 141, 151, 185, 197,
 199, 200, 201, 208, 211, 213, 215, 217,
 219, 242

- self-governance, self-rule 125, 192, 193, 198, 216, 255
- seneschal 71
- Seyðabrævið* 192, 194
- sheriff (*sýslumaðr*) 34, 47, 64, 86, 88, 89, 92, 113, 114, 115, 118, 128, 166, 193, 197, 198, 209, 210, 211, 212, 213, 219, 220, 227, 236
- sheriff court 211, 212, 213, 219, 220
- Shetland 1, 2, 12, 13, 14, 15, 16, 17, 23, 32, 40, 43, 52, 55, 60, 64, 66, 68, 71, 74, 80, 84, 85, 87, 88, 93, 103, 114, 120, 121, 136, 139, 140, 141, 142, 146, 149, 151, 163, 164, 170, 171, 172, 173, 174, 175, 184, 189, 190, 192, 195, 197, 201, 202, 214, 217, 218, 226, 227, 228, 229, 230, 231, 232, 233, 242, 248, 252
- shipwreck 67
- Sigurd *hinn ríki*, earl of Orkney 53
- Sigurd I, king of Norway 88
- Sigurd of Papley 231
- Sigurd, lawman in Shetland 192
- Sigvat Kolbeinsson 197, 199
- Simon Rodde 100
- skattland* (see tributary countries)
- Skule Bárðsson 91
- slotsloven* (law of castles) 144
- Smith, Brian 11, 13, 19, 20, 117, 139, 140, 141, 148, 152, 225, 227, 229, 231, 232
- Snorri Sturluson 91
- Society of Antiquaries of Scotland 15
- South Africa 154
- sovereignty 12, 24, 27, 36, 150, 248
- Spanish 28
- St Andrews 71, 95, 101, 127, 147
- St. Magnus Cathedral 61, 73, 74, 129, 135, 137, 201
- St. Olav (see Olav II, king of Norway)
- Standen, Naomi 29
- Stavoren 68
- Steigen 198
- Steinsholmen (Mjøsa) 166
- Stettin 68
- Stockholm 45
- Storm, Gustav 121
- Stralsund 68
- Strathearn 17, 98, 100, 101, 102, 119
- sub-vassalage 92, 159, 160, 164, 165
- Sudor (see Hebrides)
- Sutherland 16, 119, 244
- suzerainty 27, 51, 52, 55, 87, 154, 192
- Sverre, king of Norway 31, 34, 66, 86, 87, 88, 89, 93, 97, 114, 115, 116, 131
- Swedish, Sweden 6, 12, 25, 45, 70, 97, 98, 99, 124, 160, 162, 166, 175, 213, 234, 235, 236, 255
- Swelchie 52
- Tain 232
- Taranger, Absalon 202
- territorial lordship 23, 24, 26, 27, 48, 54, 56, 60, 65, 195, 249, 257
- Thomas Brown 244
- Thomas Bubson 244
- Thomas of Ireland 231
- Thomas of Kirkness 130, 132
- Thomas Sinclair, Orcadian baillie 100, 101, 129, 132, 236
- Thomas Sinclair, Orcadian goodman 200, 206, 207, 208, 213, 214, 241, 242, 243
- Thomas Tulloch, bishop of Orkney 39, 42, 110, 113, 122, 123, 125, 126, 127, 134, 144, 145, 146, 147, 176, 182, 186, 194, 201, 213
- Thomas Tulloch, bishop of Ross 147
- Thomson, Thomas 15, 19
- Thomson, William P.L. 3, 11, 17, 18, 32, 43, 45, 72, 74, 75, 84, 85, 86, 88, 108, 119, 121, 127, 139, 140, 142, 149, 170, 194, 203, 208, 210, 225, 227, 233, 240
- Thorvald Thoreson 197, 227
- thughir* 28
- Thurso 232
- Tingwall 149, 172
- Toab 200
- Tønsberghus 165
- Tormod Torfæus 80, 121, 181
- tower (see Kirkwall Castle)
- Tower of London 126
- trade 8, 36, 47, 51, 63, 65, 66, 67, 68, 69, 70, 71, 254
- Treaty of Perth 1, 8, 12, 16, 24, 39, 51, 54, 60, 61, 62, 63, 64, 67, 69, 74, 75, 93, 96, 97, 112, 119, 129, 134, 137, 138, 145, 146, 217, 249, 250, 251, 257
- Treaty of Verdun 248
- Treaty of York 257
- tributary countries (*skattland*) 6, 7, 11, 12, 22, 34, 52, 68, 77, 78, 91, 113, 137, 145, 162,

- 196, 198, 212, 216, 217, 234, 249, 251, 254,
255, 256
- Trondenes 198
- Tunsberg 88, 223
- Turkish 253
- Turner, Fredrick 28, 29
- tutor, tutorship 41, 81, 121, 122, 203, 204, 205,
206, 208, 215, 237
- Tweed 258
- Ulster 182
- Unst 141
- Vågan 198
- Valdisholmen (Eidsberg) 166
- Valois kingship 28
- Vardøhus 165
- Viborg 166
- Visby 68
- Wærdahl, Randi B. 11, 22, 33, 34, 40, 46, 88,
92, 102, 113, 118, 128, 162, 187, 192, 195, 197
- Wales 28, 93, 156, 221
- Walter Bower 42, 176, 182
- Walter Fraser 200
- Walter of Buchan 231, 232
- Weland de Ard 236
- Weland de Sticklaw 72
- Westphalian model 248
- Westray 66
- Wild-Scots (*willeschotta*; *Scotis
siluestribus*) 21, 176, 177, 181, 182, 183,
238, 239
- William Bras 244
- William Daniel 100
- William de Crumbacy 95
- William Flett 244
- William *gamli*, bishop of Orkney 135
- William Gray 244
- William I, earl of Orkney 39, 41, 42, 43, 51,
84, 101, 103, 104, 105, 106, 107, 108, 109,
110, 111, 112, 122, 123, 126, 127, 130, 131, 132,
145, 147, 148, 149, 150, 163, 174, 177, 178,
179, 180, 184, 186, 188, 201, 203, 204, 206,
207, 208, 209, 213, 215, 237, 241, 242, 243,
244, 251, 256
- William I, earl of Ross 154
- William I, king of Scots 31, 106
- William III, bishop of Orkney 96, 97, 138,
139, 140, 142, 152, 227
- William III, earl of Ross 101, 179
- William Irvine 232, 244
- William IV, bishop of Orkney 19, 116, 138,
140, 141, 142, 143, 152, 169, 171, 213,
228, 229
- William Johnsson 141
- William MacLeod 178, 183
- William of Buchan 229, 232
- William of Heddel 243
- William of Sabina 59
- William Sinclair of Roslin 100, 101
- William Storm 231
- William the Waster 149
- William Thorgilsson 199, 200, 238, 243, 245
- William Tulloch, bishop of Orkney 39, 111,
147, 148, 149, 150, 151, 152, 153, 202
- William Wood 231
- Wismar 68
- Woodman, Ilsa 147
- Wubs-Mrozewicz, Justyna 45
- Wyre 115, 165
- yeoman gentry 231